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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President, Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

VERIFIED PETITION

Index No.:

Petitioners, NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President, Bonita H. Siegel, and JOBS TO MOVE AMERICA (collectively, "Petitioners"), by and through their counsel Rupp Pfalzgraf, LLC, hereby assert the following for their Verified Petition:

PRELIMINARY STATEMENT

1. This is a special proceeding brought pursuant to Article 78 of the New York Civil Practice Law and Rules ("CPLR") for a judgment to: (1) annul, vacate, and in all respects void the Resolution of Respondent Onondaga County Industrial Development Agency ("OCIDA") adopting the Final Environmental Impact Statement for the proposed Micron New York Semiconductor Manufacturing LLC ("Micron") Semiconductor Manufacturing Project in the Town of Clay, County of Onondaga, State of New York, on or about on November 12, 2025, and

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an order determining that the requirements of the State Environmental Quality Review Act ("SEQRA") have not been met; (2) annul, vacate, and in all respects void any permits, approval, or Finding Statement issued by Respondents OCIDA, New York State Department of Environmental Conservation ("DEC"), Town of Clay Planning Board (the "Planning Board"), or Brian Bender, Commissioner of Planning and Development for the Town of Clay, New York ("Commissioner Bender") in reliance on the Final Environmental Impact Statement; and (3) annul, vacate, and in all respects void Respondent DEC's "Justification Statement for Inconsistency with Section 7(2) of the Climate Leadership and Community Protection Act" dated December 12, 2025.

2. The proposed Micron Semiconductor Manufacturing Project involves the construction and development of a large-scale semiconductor manufacturing complex together with ancillary facilities, including a rail spur and construction material conveyance facility, an employee childcare and services center, off-site warehouse space, and extensive utility and infrastructure improvements required to meet the Project's extraordinary energy, water, wastewater, and transportation needs (the "Micron Project" or the "Project").

3. The Micron Project has been described as a "once in a generation" development. Micron proposed a $100 billion dollar investment in the construction and operation of the Project. It will be one of the largest projects ever constructed in New York.

4. The Project will cover approximately 1,000 acres and it will reportedly require six times more concrete than the Pentagon and use four times as much steel as the Golden Gate Bridge.

5. Given its scale and the magnitude of potential environmental impacts, the Micron Project required a careful and thorough review under SEQRA review. Unfortunately, in the excitement and hype to bring this Project to fruition, the SEQRA and permitting process was unnecessarily rushed, especially as it pertains to public comment and input.

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6. OCIDA, as lead agency under SEQRA, issued a Final Scope in December 2023. Upon information and belief, it took Micron approximately a year to complete a Draft Environmental Impact Statement ("EIS") based on the Final Scope.[1] The Draft EIS was over 700 pages long and supported by eighteen volumes of materials totaling approximately 22,000 pages, collectively, approximately one (1) gigabyte of data. Even though OCIDA took six (6) months to review and determine the Draft EIS was complete, OCIDA provided just forty-seven (47) days (thirty-two (32) business days, not including weekends and July 4) for public review and comment on the Draft EIS. OCIDA ignored the numerous requests for extension of the public comment period, including, upon information and belief, a petition signed by over 1,600 individuals requesting the comment period be extended to 120days and include additional public hearings. Nonetheless, OCIDA received over 1,200 comments on the Draft EIS before the August 11, 2025, deadline. OCIDA certified and adopted a Final EIS three (3) months later on November 12, 2025.[2] The involved agencies began issuing permits shortly thereafter.

7. Unfortunately, because of this rushed review, the Draft EIS failed to include documents required in the Scoping; failed to include important details on environmental impacts, such as the use of per- and polyfluoroalkyl substances ("PFAS") and emission of Greenhouse Gas ("GHG"); failed to adequately consider or explain its determination that certain alternatives were not feasible; failed to provide detail and commitments regarding the economic and social benefits of the project; and failed to adequately evaluate the loss of wetland habitats and the sufficiency of the proposed mitigation.

[1] The Draft EIS is available on the OCIDA website at https://ongoved.com/microndeis2025/.
[2] The Final EIS is available on the OCIDA website at https://ongoved.com/micronfeis2025/.

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8. The Final EIS sought to remedy some of these issues but remains inadequate. Moreover, it fails to provide the public the opportunity to comment as guaranteed under SEQRA on important aspects of a project likely to cause a significant impact on the environment.

9. The Final EIS acknowledges that the Micron Project will cause extensive and significant adverse environmental impacts, including the permanent loss of approximately 200 acres of wetlands, extensive ground disturbance to thousands of linear feet of streams and surface waters, and the removal of natural flood attenuation and drainage features in an area already susceptible to runoff and flooding. The Project would dramatically increase impervious surface coverage, altering site hydrology and heightening downstream flooding and water quality risks. Industrial wastewater generated by semiconductor manufacturing, including wastewater that may contain PFAS and other persistent contaminants, would be conveyed through new pipelines and treated at a newly constructed industrial wastewater treatment plant and discharge into surface water. At the same time, the Project would generate unprecedented GHG emissions, driven by energy-intensive manufacturing processes.

10. The Final EIS acknowledges these significant and far-reaching environmental impacts, but fails to comply with governing requirements and cannot lawfully serve as the basis for Project approval.

11. The failings of the Final EIS have also carried over to subsequent agency approvals on wetlands and Justification under the Climate Leadership and Community Protection Act ("CLCPA").

12. Petitioners seek to annul OCIDA's adoption of the Final EIS, and to vacate subsequent actions undertaken in reliance on that defective review, because OCIDA failed to provide decision-makers and the public with the information required by the SEQRA

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environmental review process so that they may fully understand, evaluate, and meaningfully weigh in on the Micron Project's environmental consequences.

13. In short, Petitioners seek to ensure that governmental agencies follow the procedures mandated by law when approving this project of unprecedented scale, and that environmental, safety, and quality-of-life impacts are fully considered before irreversible and life-changing decisions are made.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this proceeding pursuant to CPLR Article 78.

15. Venue is proper in this Court pursuant to CPLR § 506(b) as a county within the judicial district where the principal office of Respondent DEC is located.

PARTIES

16. Petitioner Neighbors for a Better Micron ("Neighbors" or the "Association") is an unincorporated association of residents located in close proximity to the Micron Project. Its purpose is to encourage Micron to have a positive impact on its future community in New York. As set forth in the accompanying affirmations, individual members of the Association live in close proximity to the Micron Campus or Connected Actions and will be adversely impacted by the project. Neighbors' members participated in the various public comment and hearing proceedings provided in the SEQRA process.

17. Petitioner Jobs to Move America ("JMA") is a national 501(c)(3) not-for-profit advocacy organization dedicated to ensuring that public investments create high-quality jobs, protect public health, and advance equitable and sustainable economic development. JMA works to ensure that economic development supported by public resources advances sustainable practices, protects natural resources and public health, and delivers long-term benefits to workers

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and communities. JMA promotes responsible industrial development that aligns job creation and growth with environmental stewardship, community well-being, and accountability. JMA has staff and a local office in Syracuse, Onondaga County, New York. JMA submitted several comments with expert review and analysis on the Draft EIS and various permits.

18. Respondent Onondaga County Industrial Development Agency is a public benefit corporation organized pursuant to Article 18-A of the New York General Municipal Law. OCIDA served as "Lead Agency" for purposes of environmental review under SEQRA and participated in the approval and implementation of public assistance and related discretionary actions.

19. Upon information and belief, OCIDA is the current owner of the property where the Micron Project is to be located.

20. Respondent New York State Department of Environmental Conservation is a state agency charged with conserving, improving, and protecting New York's natural resources and environment pursuant to the Environmental Conservation Law. DEC was an "involved agency" in the SEQRA review process and has issued permits and approvals related to the Micron Project, including Article 24 wetland permits[3] and issuing a Justification under CLCPA § 7(2).

21. Respondent Town of Clay Planning Board is a municipal board established pursuant to the Town Law of the State of New York and the Code of the Town of Clay. The Planning Board was an involved agency in the SEQRA review and approved the proposed site plan for the Micron Project following the purported completion of SEQRA by OCIDA.

[3] The list of permits DEC has issued and is reviewing, including links to the permits, is available on the DEC website at https://dec.ny.gov/environmental-protection/facilities-in-your-neighborhood/micron. Some application materials for such permit are available on the Micron website at https://www.micron.com/us-expansion/ny#permits.

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22. Respondent Brian Bender is the Commissioner of Planning and Development for the Town of Clay, New York. In that capacity, Commissioner Bender is responsible for administering and enforcing the Town's planning, zoning, and land use regulations, coordinating review of development applications, and implementing approvals issued by the Planning Board and other Town agencies. Upon information and belief, Commissioner Bender has issued building permits pursuant to the Planning Board's site plan approval to allow site preparation activities related to the Micron Project.

23. Respondent Micron New York Semiconductor Manufacturing LLC is a limited liability company organized under the laws of the State of Delaware and duly authorized to conduct business in the State of New York. Micron is a wholly owned subsidiary of Micron Technology, Inc., a multinational corporation that designs and manufactures semiconductor memory and storage technologies and solutions worldwide. Micron is the applicant of record for the various approvals requiring SEQRA review as challenged herein.

FACTUAL AND PROCEDURAL BACKGROUND

The Micron Semiconductor Manufacturing Project

24. Micron proposes to construct one of the largest semiconductor manufacturing complexes in the world in the Town of Clay, Onondaga County. Specifically, the facility would manufacture dynamic random-access memory ("DRAM") semiconductors on approximately 1,377 total acres of land (the "Micron Campus").

25. The Micron Campus is proposed primarily within the White Pine Commerce Park ("Park"), which comprises approximately 1,339 acres of the Micron Campus and is presently owned by OCIDA. Micron proposes to initially lease the Micron Campus and ultimately to purchase the Park.

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26. The Park is situated northeast of the intersection of State Route 31 and Caughdenoy Road. The site is currently characterized by extensive wetlands, streams, forested areas, and open space. The Micron Campus alone contains at least 422 acres of wetlands.

27. At full build-out, the Micron Campus would include four industrial-scale DRAM semiconductor fabrication plants referred to as "Fabs." Each Fab would occupy approximately 1.2 million square feet of land and contain roughly 600,000 square feet of cleanroom manufacturing space, supported by central utility buildings, warehouse and product testing space, internal roadways, and expansive parking and loading areas.

28. In addition to the Micron Campus, the Project includes the development of three ancillary sites: (i) a rail spur and construction material conveyance facility located on an approximately 38-acre parcel (the "Rail Spur Site"); (ii) a childcare, healthcare, and recreation complex located on an approximately 31-acre parcel (the "Childcare Site"); and (iii) the leasing of approximately 360,000-500,000 square feet of off-site warehouse space within 20 miles of the Micron Campus (the "Warehouse Site").

29. The Micron Project also depends on extensive utility and infrastructure improvements to meet its electric, natural gas, water supply, wastewater treatment, transportation, and telecommunication needs (the "Connected Actions"). These Connected Actions would permanently alter hydrology and environmental conditions across a broad region of Central New York. For example, National Grid proposes to expand an existing electrical substation by approximately ten (10) acres and to construct a new 3.1-mile-long, 16-inch-diameter underground natural gas pipeline to serve the facility, along with a new gas regulator station. The Onondaga County Water Authority proposes extensive upgrades to raw water pumping stations, a Lake Ontario water treatment plant, and water transmission infrastructure to deliver vast quantities of

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water to the Micron Campus. The Onondaga County Department of Water Environment Protection proposes to reconfigure regional wastewater management by constructing a new industrial wastewater treatment plant ("IWWTP"), interim "bridging" projects at existing treatment facilities, and new conveyance systems for industrial water and reclaimed water.

30. Construction of the Micron Project would unfold in stages over approximately 16 years. Fabs 1 and 2 are anticipated to become operational by 2029 and 2030, respectively, and Fabs 3 and 4 by 2035 and 2041, with full production capacity anticipated by approximately 2045. The Connected Actions would be constructed on a parallel schedule to meet the Project's escalating utility demands. Throughout this prolonged construction and buildout period, the Project site would require continuous clearing, grading, excavating, and infrastructure installation, followed by decades of intensive industrial operation.

31. As acknowledged in the Final EIS, the environmental impacts caused by the Micron Project are severe and many are irreversible. Construction of the Micron Project would result in the permanent loss of roughly 200 acres of jurisdictional wetlands, the disturbance of thousands of linear feet of streams and surface waters, and the conversion of a largely natural landscape into a dense, energy- and water-intensive industrial use. According to the Final EIS, preparation of the Micron Campus alone would require the removal of approximately 1.5 million cubic yards of soil and nearly 1 million cubic yards of near-surface bedrock, along with the importation of approximately 9 million cubic yards of fill material to achieve final grading and support large-scale industrial foundations.

32. Moreover, the Final EIS identifies substantial GHG emissions associated with both prolonged construction and long-term operation of the Micron Project. Construction-related emissions are substantial, with construction of a single Fab projected to generate tens of thousands

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of metric tons of GHG measured in carbon dioxide equivalent ("CO_2e"[4]), including approximately 33,946 tons in peak construction years, in addition to emissions from Project-related infrastructure. The Connected Actions are projected to generate significant greenhouse gas emissions as well. Industrial Wastewater Treatment Plant, for example, would generate approximately 7,250 metric tons of CO_2e during Phase 1 construction and 1,625 metric tons during Phase 2.

33. The Final EIS estimates approximately 2,394,307 metric tons of CO_2e attributable to operational electricity consumption alone, driven by the Project's extraordinary power demand. Annual electricity use is projected to increase from approximately 3,261 gigawatt-hours (GWh) by 2029, to 6,925 GWh by 2030, 11,042 GWh by 2035, and up to approximately 15,674 GWh at full build-out. Although the Final EIS acknowledges that there would be additional upstream "Scope 3" emissions associated with construction upstream inputs and resulting lifecycles, it does not quantify those emissions, citing uncertainty and variability despite their likely magnitude.

34. The Final EIS further acknowledges that the Micron Campus would be located within New York Independent System Operator Load Zone C, a region that, while historically a net exporter of electricity, is already experiencing increasing demand due to electrification of buildings, transportation, and other industrial growth. The Final EIS concedes that when Project demand is added to existing customer demand, total demand in Load Zone C would exceed the zone's base-case generation capacity by approximately two percent, even assuming no other growth in electricity consumption. To supply this demand, National Grid proposes expanding

[4] There are numerous chemicals that are considered GHG. Each chemical has a different 20-year Global Warming Potential ("GWP"). To standardize the evaluation of GHG emissions and their impact, emissions are measured by the amount of carbon dioxide that would be emitted to cause the same GWP. For example, methane has a GWP of 84. Therefore, the emission of 1 ton per year ("tpy") of methane is equal to emission of 84tpy CO_2e.

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existing substations and constructing additional transmission infrastructure, some of which has yet to be fully designed or sited.

35. In addition, the Micron Project would generate industrial wastewater that would include PFAS and other hazardous constituents. The Final EIS acknowledges that PFAS are used in semiconductor manufacturing and that they are highly persistent compounds that resist conventional treatment. Industrial wastewater containing PFAS, among other toxic materials, would be conveyed through newly constructed pipelines and treated at a new industrial wastewater treatment plant and interim facilities designed to specifically serve the Project. However, the Final EIS does not identify specific PFAS treatment standards, effluent limits, or removal efficiencies applicable to these discharges, and instead relies on future permitting and regulatory processes to address PFAS management and control.

36. Collectively, the Micron Project and its Connected Actions would lock the region into decades of intensified industrial activity, massive energy consumption, and long-term environmental risk, all of which would fundamentally reshape wetlands, water resources, land use patterns, and environmental conditions in and around the Towns of Clay and Cicero and throughout the greater Onondaga County watershed.

SEQRA Review of the Micron Project

37. In June 2023, Micron submitted an application to OCIDA for financial assistance pursuant to General Municipal Law § 854 for the Micron Project.

38. On July 20, 2023, OCIDA issued a Lead Agency Resolution under SEQRA, determining that the Micron Project is a Type I Action under SEQRA and declaring its intent to serve as "Lead Agency" for purposes of conducting a coordinated environmental review under

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SEQRA. The United States Department of Commerce declared itself lead agency for purposes of the National Environmental Policy Act.

39. OCIDA thereafter completed Part 2 of the Full Environmental Assessment Form ("EAF"), identifying numerous areas of potentially significant environmental impacts, including impacts to land, surface water, groundwater, flooding, air quality, energy use, and human health.

40. On September 14, 2023, OCIDA issued a SEQRA Resolution formally designating itself as Lead Agency, adopting the Full EAF Form Part 2, authorizing the completion of Part 3 of the Full EAF, and issuing a Positive Declaration finding that the Micron Project may result in one or more significant adverse environmental impacts, thereby requiring the preparation of an EIS.

41. OCIDA identified potentially significant impacts including, but not limited to, impacts to traffic, surface waters and wetlands, aesthetic resources, air quality, and community character.

42. On or about September 12, 2023, Micron submitted an initial Draft Scoping Document, outlining the proposed scope, methodologies, and environmental impact areas to be analyzed in an EIS.

43. OCIDA also issued a SEQRA Scoping Resolution on September 14, 2023, accepting Micron's Draft Scoping Document as sufficiently complete for public review. Written public comments were initially accepted through October 20, 2023, though the comment period was later extended through October 31, 2023.

44. On December 14, 2023, OCIDA issued a SEQRA Scoping Resolution deeming the Final Scoping Document complete pursuant to 6 NYCRR § 617.8.

45. The Final Scoping Document defined the scope, methodologies, and level of detail required for the Draft EIS and identified numerous environmental impact areas with the potential

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for significant adverse impacts requiring full evaluation, mitigation analysis, and cumulative review.

46. Among other things, the Final Scoping Document identified water resources (wetlands, streams, groundwater, stormwater), ecological communities and wildlife, utilities and infrastructure, use and conservation of energy, hazardous materials, geology, soils, and topography, and construction impacts as areas requiring detailed analysis.

47. The Final Scoping Document expressly required inclusion of a draft Stormwater Pollution Prevention Plan ("SWPPP") as an appendix to the Draft EIS based on the potentially significant impacts from stormwater runoff, erosion, flooding, and downstream water quality impacts as a result of the extensive land disturbance and wetland loss.

48. The Final Scoping Document also required analysis of hazardous materials use, storage, waste generation, and environmental release risks, including identification of chemicals associated with semiconductor manufacturing, evaluation of risks to soil and water resources, assessment of industrial wastewater treatment and discharge impacts, and description of measures to protect human health and the environment.

49. The Final Scoping Document responded to a comment from the NYSDEC that the Proposed Project is subject to CLCPA § 7(2) consistency review by noting that the Draft EIS "will include an assessment of GHG emissions associated with the Proposed Project and will assess compliance with Section 7(2) of the CLCPA."

50. Finally, the Final Scoping Document required the Draft EIS to evaluate five (5) alternatives including a "No Action Alternative," the Proposed Project, the Proposed Project without access from US Route 11, alternative site configuration, and a Reduced Scale Proposed Project.

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51. Upon information and belief, Micron submitted an initial Draft EIS to OCIDA in December 2024.

52. Despite the Scoping Plan requiring the Draft EIS to include a draft SWPPP, review of hazardous materials, and CLCPA § 7(2) analysis, the Draft EIS failed to include a draft SWPPP, detailed review of PFAS usage, or the CLCPA § 7(2) analysis.

53. OCIDA retained the Draft EIS for internal review for nearly six months before deeming it complete and publicly releasing it for comment on or about June 25, 2025.

54. Despite the extraordinary size, complexity, and scope of the Micron Project, and the length of time OCIDA itself devoted to reviewing the Draft EIS, OCIDA provided a public comment period deadline of August 11, 2025, just thirty-two (32) business days for the public to review and comment on the Draft EIS. Notably, this period is effectively the minimum required under NEPA.

55. During the public comment period, 1,270 comments were submitted from over 1,000 different commenters. Commenters included numerous federal, state, and local agencies, the Onondaga Nation, various environmental organizations, and local residents who raised concerns regarding wetlands destruction, PFAS contamination, traffic congestion, energy and water consumption, and noise pollution, among other things, and demanded stronger environmental and community protections and more specific commitments to economic benefits to address those concerns.

56. Members of the Association attended public meetings and submitted comments regarding the adverse environmental impacts the Micron Project would have on their homes and community.

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57. Additionally, JMA submitted a 127-page comment on or about August 11, 2025, regarding the Project's environmental, social, and economic concerns, as well as mitigation recommendations, many of which were insufficiently addressed in the Draft EIS.

58. On November 12, 2025, OCIDA accepted and adopted a Final EIS for the Micron Project. The Final EIS purports to evaluate the environmental impacts of the Project and its Connected Actions, including large-scale wetland disturbance, extensive infrastructure expansion, extraordinary energy and water demand, industrial wastewater treatment, hazardous materials use, and long-term cumulative impacts over a multi-decade buildout.

59. While the Final EIS acknowledges that the Micron Project would result in numerous significant adverse environmental impacts, it repeatedly defers analysis to future permitting and post-approval regulatory processes, omits required information, and/or acknowledges significance without providing meaningful mitigation, violating SEQRA's "hard look" and "reasoned elaboration" requirements.

60. Conversely, the Final EIS is speculative and non-committal with respect to the supposed socioeconomic benefits of the Micron Project; it relies on a "Community Investment Fund" subject to no known standards, vague information such as a single average salary with respect to all 9,300 estimated permanent employees, and makes no commitments to hire locally or from disadvantaged communities.

61. The Final EIS added several new appendices including a draft SWPPP, a draft CLCPA Analysis, and a detailed discussion of PFAS usage, handling, treatment options, and discharge. By adding these appendices to the Final EIS after the close of the public comment period, the public was denied the opportunity to review these materials and provide meaningful feedback before they were incorporated into the Final EIS.

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Wetlands Destruction and Ground Disturbance

62. The Final EIS acknowledges that the Micron Campus contains extensive and ecologically diverse wetland complexes. Field delineations identified approximately 408.61 acres of Federal jurisdictional wetlands within the Micron Campus, of which 398.75 acres are also classified as Class II State jurisdictional wetlands. An additional 13.14 acres of wetlands within the Micron Campus are identified as non-jurisdictional, though they function as wetlands formed by historic hydrology and land use.

63. The Rail Spur Site contains at least 17.27 acres of Federal jurisdictional wetlands and the Childcare Site contains at least 4.51 acres of Federal jurisdictional wetlands, together with additional non-jurisdictional wetland complexes. The Connected Actions boundaries also encompass approximately 78.86 acres of jurisdictional wetlands.

64. The Final EIS concludes that construction of the Micron Project would result in significant adverse effects on wetlands and surface water features, including the permanent loss of approximately 200 acres of jurisdictional wetlands and the disturbance of 7,828 linear feet of jurisdictional surface water features.

65. The Final EIS and other documents submitted in connection with the environmental review of the Micron Project suggest that there are many additional acres of wetlands which were determined not to be jurisdictional. However, it is not clear how this determination was made, or whether any analysis was completed to determine whether any of these wetlands are wetlands of "unusual importance" as defined by New York State law.

66. Although the Final Scoping Document required a draft conceptual compensatory wetlands mitigation plan sufficient to allow evaluation of whether impacts would be avoided or minimized to the maximum extent practicable, the Final EIS relies primarily on acreage-based

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replacement ratios and does not meaningfully evaluate whether proposed mitigation would replace the specific hydrologic, flood control, water quality, and habitat functions of the wetlands being destroyed. Key elements of wetlands mitigation—including replacement ratios, site selection, performance standards, and long-term effectiveness—are deferred to future evaluation and permitting.

67. In addition to wetland loss, the Final EIS acknowledges extensive ground disturbance associated with Project construction.

68. Preparation of the Micron Campus would require approximately 997 acres of ground disturbance within the Park, including clearing of approximately 445 acres of forested land. Construction is estimated to require removal of approximately 1.5 million cubic yards of soil, removal of approximately 978,000 cubic yards of near-grade bedrock, installation of drilled pier foundations for each Fab, and importation of approximately 9 million cubic yards of fill material.

69. Construction of the Rail Spur Site and Childcare Site would require additional clearing, soil removal, and fill importation, and construction of the Connected Actions would involve significant disturbance along utility corridors.

70. As a whole, the proposed Micron Project would result in a permanent increase in impervious surface coverage of approximately 28 million square feet (approximately 653 acres).

71. The irreversible destruction of the wetlands combined with this increase in impervious surfaces would fundamentally alter natural drainage patterns, increase stormwater runoff, reduce groundwater recharge, and heighten the risk of downstream flooding and water quality degradation.

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PFAS Use, Wastewater, and Contamination Risks

72. The Final EIS acknowledges that semiconductor manufacturing relies on a wide range of specialty chemicals, including, without limitation, PFAS (also referred to as emerging contaminants), a class of highly persistent synthetic compounds associated with adverse human health and environmental effects. Known as "forever chemicals," PFAS resist degradation and migrate through soil and water, accumulating in ecosystems and human populations and creating serious long-term risks to public health.

73. The Draft EIS lacked detail regarding the anticipated use of forever chemicals, the handling of such chemicals, and the potential discharge of such chemicals into surface waters. Numerous commenters noted this lack of detail.

74. Consequently, the Final EIS included a new appendix relating to PFAS, which was not available for public comment.

75. However, the Final EIS does not identify the specific PFAS compounds anticipated to be used, the quantities involved, or the pathways by which PFAS may enter wastewater, stormwater, surface waters, groundwater, or reclaimed water systems. Instead, the Final EIS relies heavily on projected future permitting processes and unspecified regulatory controls to address PFAS-related risks.

76. The Final EIS states that industrial wastewater would be managed through a newly constructed IWWTP and interim "bridging" projects at existing wastewater treatment facilities operated by the Onondaga County Department of Water Environment Protection. These facilities are proposed to receive, treat, and discharge industrial wastewater streams that may contain PFAS and other hazardous constituents. The Final EIS does not, however, identify specific treatment standards, effluent limits, or removal efficiencies applicable to PFAS compounds.

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77. Notwithstanding these omissions, the Final EIS concludes that industrial wastewater discharges are not anticipated to result in significant adverse effects on water resources.

78. A new appendix addressing PFAS issues was not provided until the Final EIS stage. Therefore, this additional information was not subject to public review and comment during the Draft EIS comment period. The Final EIS does not explain how this new information resolves previously identified data gaps or why the introduction of expanded PFAS discussion did not warrant preparation of a Supplemental EIS.

GHG Emissions & CLCPA Analysis

79. The Draft EIS acknowledged that "[c]onstruction and operation of the Proposed Project and Connected Actions, including indirect, upstream, and downstream activities, land use changes, and induced growth, would result in significant increases in GHG emissions and potentially significant contributions to climate change." However, no detailed calculation or analysis of GHG emissions was included in the Draft EIS.

80. The New York State Climate Leadership and Community Protection Act § 7(2) requires state agencies to consider "whether [permitting] decisions are inconsistent with, or will interfere with, the attainment of the statewide GHG emission limits established in Article 75 of the environmental conservation law." The DEC has adopted DEC Program Policy DAR-21 "The Climate Leadership and Community Protection Act and Air Permit Applications" to guide CLCPA§ 7(2) review.

81. The Final EIS includes a draft CLCPA Analysis dated July 2025, which was prepared for Micron's Title V Air Permit. Upon information and belief, an updated CLCPA Analysis was prepared in October 2025, but was not included in the Final EIS.

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82. The CLCPA Analysis acknowledges that the Micron Project has the potential to emit 11,592,512tpy of CO_2e from direct and upstream emissions. Even after certain alternatives and mitigation is applied, the CLCPA Analysis determines that the Project is projected to emit 2,604,404tpy of CO_2e.

83. The DEC's Justification for the Micron Project as required under CLCPA § 7(2) includes the acceptance of a "mitigation fund" for future undetermined projects. This comparatively small proposed fund does not set any real, quantifiable, and enforceable GHG emissions mitigation as required by the CLCPA and DAR-21 and there is no justification or analysis to show that the size of the fund is sufficient to provide mitigation of a significant portion of the projected 2,604,404tpy of CO_2e.

Cumulative Environmental Consequences

84. Taken together, the Micron Project represents a long-term industrial transformation of a largely undeveloped landscape into a dense, resource-intensive manufacturing complex. The Final EIS acknowledges numerous significant adverse environmental impacts that, when considered together, would compound and intensify over time, resulting in long-lasting and, in many respects, irreversible changes to land use, hydrology, and ecological systems across the Project site and surrounding watershed. The risks of these changes for the health and well-being of human populations in the region, including but not limited to residents living close to the site of the project, are profound.

Issuance of Permits

85. Following OCIDA's acceptance of the Final EIS, DEC issued multiple permits on or about December 12, 2025, including seven Article 24 wetland permits, a Section 401 Water Quality Certification permit, and an Article 11 Incidental Take permit. An Air Title V permit is

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"under review" pending approval. Presently, DEC is reviewing eleven permits regarding the Connected Actions. The public comment period for those permits has closed.

86. The NYSDEC also issued a "Justification Statement for Inconsistency with Section 7(2) of the Climate Leadership and Community Protection Act" dated December 12, 2025.

87. In or about October 2025, Micron appeared before the Town of Clay Planning Board seeking Site Plan approval for the Micron main campus. On January 14, 2026, the Planning Board approved the site plan.

88. Upon information and belief, with the Planning Board site plan approval, Micron is eligible for a building permit to begin site preparation including the cutting of trees, removal of wetland soils, and importation of fill.

89. Micron has indicated such site preparation activities will begin on January 16, 2026, beginning with a ceremonial groundbreaking.

AS AND FOR A FIRST CAUSE OF ACTION
(The Lead Agency Improperly Deemed the Draft EIS Complete and Should Have Required a Supplemental EIS)

90. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

91. OCIDA declared itself lead agency under SEQRA for the Micron Project and issued a positive declaration of significance requiring the completion of an EIS.

92. 6 NYCRR § 617.8 requires that a project requiring an EIS must first go through scoping in order to identify the issues to be included in the draft EIS. The scoping process must include opportunity for public participation. 6 NYCRR § 617.8(d).

93. Following public comment, the lead agency must release a final scoping document that identifies the areas of potentially significance adverse impacts that must be addressed in the

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draft EIS, identification of required new information, and the identification of information or data for inclusion in appendices. 6 NYCRR § 617.8(e).

94. In December 2023, OCIDA released a Final Scoping Document following receipt of public comments.

95. The Final Scoping Document requires the Draft EIS to include the evaluation of potentially significant adverse impacts in a number of study areas, including air quality, water resources, GHG emissions and climate change.

96. In relation to water resources the Final Scoping Document provides that "[a] Stormwater Pollution Prevention Plan (SWPPP) prepared pursuant to the NYSDEC *Stormwater management Design Manual* will be prepared for the Proposed Project and included as an appendix to the [Draft EIS]."

97. The Final Scoping includes responses to comments received as part of the scoping process, including comments from involved agencies. In those responses, including a response to the DEC, OCIDA asserted that a SWPPP would be prepared for the Proposed Project and included as an appendix to the Draft EIS.

98. In relation to Greenhouse Gas and Climate Change the Final Scoping Document notes that the Micron Project will require a stationary source air pollution control permit that will require a Climate Leadership and Community Protection Act greenhouse gas evaluation. It further provides that "[t]he [Draft EIS] will summarize these detailed air quality modeling and impact assessment analyses that will be prepared to support the air pollution control permitting process and address potential impacts to human health from project related air emissions."

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99. In response to NYSDEC's comment on scoping, the Final Scoping Document explained that "The [Draft EIS] will include an assessment of GHG emissions associated with the Proposed Project and will assess compliance with Section 7(2) of the CLCPA."

100. Upon information and belief, Micron provided a Draft EIS to the OCIDA in December 2024, approximately a year after the Final Scoping Document was approved.

101. The Draft EIS repeatedly references the requirement for Micron to prepare a SWPPP to address various impacts and that Micron would be required to comply with conditions, requirements, and "best management practices" ("BMPs") in the SWPPP. Despite these statements, the Draft EIS did not include a draft SWPPP or outline any of the conditions, requirements, or BMPs that would be included in such SWPPP.

102. The Draft EIS similarly failed to include the CLCPA § 7(2) Analysis as required in the Final Scoping Document. Nor did the Draft EIS summarize the GHG emissions from a CLCPA § 7(2) analysis or assess compliance with the CLCPA as required; instead, it provided a non-specific discussion of general GHG emissions from the semiconductor manufacturing industry.

103. In June 2025, the OCIDA made a determination to accept the Draft EIS as adequate for public comment and opened the public comment period.

104. 6 NYCRR § 617.9(a)(2) provides

> The lead agency will use the final written scope and the standards contained in this section to determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review. . . . . A draft EIS is adequate with respect to scope and content for the purpose of commencing public review if it meets the requirements of the final written scope, sections 617.8(g) of this Part and subdivision (b) of this section, and provides the public and involved agencies with the necessary information to evaluate project impacts, alternatives, and mitigation measures.

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105. A lead agency is required to strictly comply with the procedural requirements of SEQRA.

106. OCIDA's acceptance of a Draft EIS that failed to include documents and analysis required by the Final Scoping Document was inconsistent with the requirements of SEQRA and improper.

107. Furthermore, the acceptance of a Draft EIS without these necessary documents is a failure to take a hard look at the risk of increased flooding, erosion, and the impact of GHG emissions on climate change.

108. The Final EIS includes a draft SWPPP and a draft CLCPA § 7(2) Analysis as new appendices.

109. The failure to include these appendices in the Draft EIS deprived the public from having opportunity to comment on them.

110. Several comments submitted in response to the Draft EIS noted the absence of the SWPPP and CLCPA Analysis. Most significantly, the DEC noted the absence of the draft SWPPP and that the Draft EIS was published prior to the publication of Micron's CLCPA Analysis.

111. The Final EIS includes the lead agency's response to comments received in response to the Draft EIS. Notably, OCIDA referenced the draft SWPPP in response to numerous comments raising concerns regarding a variety of potential environmental impacts including in the areas of geology and soils, water resources, biological resources, and solid and hazardous waste.

112. SEQRA allows for a Lead Agency to require a Supplemental EIS "limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from (a) changes proposed for the project; (b) newly discovered information; or (c) a change in circumstances related to the project." 6 NYCRR § 617.9(a)(7)(i).

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113. The addition of these appendices is "newly discovered information" as it was not available at the time the Draft EIS was accepted for public comment despite the Final Scoping Document requiring inclusion.

114. The decision to require a Supplemental EIS for newly discovered information "must be based upon the following criteria: (a) the importance and relevance of the information; and (b) the present state of the information in the EIS." 6 NYCRR § 617.9(a)(7)(ii).

115. The Final Scoping Plan explicitly called for the inclusion of these materials in the Draft EIS. Moreover, the Final EIS repeatedly relies upon later agency review and approval of these documents and the actions specified therein in its analysis and discussion of the environmental impacts. Thus, this information is clearly of significant importance and relevance.

116. These materials did not just expand upon information already in the EIS but provided new detail and analysis necessary for evaluation and review of impacts relating to erosion, flooding, and climate impacts. These relate directly to New York citizens' constitutional "right to clean air and water, and a healthful environment." New York Const. Art. I, § 19.

117. SEQRA provides that when a Supplemental EIS is required, the Supplemental EIS is subject to the full procedural requirements, specifically public comment. 6 NYCRR § 617.9(a)(7)(iii).

118. Since the Final Scope required inclusion of a draft SWPPP and a CLCPA § 7(2) Analysis in the Draft EIS for public review and comment but were not included, the lead agency should have required the submission of those documents in a Supplemental EIS, not merely as appendices to the Final EIS. Failure to require a Supplemental EIS for these materials is contrary to SEQRA requirements of scoping and public comment.

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119. OCIDA's acceptance of a Draft EIS that did not include materials required in the Final Scoping Document and inclusion of those documents in the Final EIS instead of a Supplemental EIS failed to strictly comply with SEQRA. Therefore, the Final EIS should be annulled and the lead agency required to comply with SEQRA and provide public comment of these documents.

AS AND FOR A SECOND CAUSE OF ACTION
(The Lead Agency Failed to Take a Hard Look at Emerging Contaminants, Including PFAS, PFOA, and PFOS, and Failure to Require a Supplemental EIS)

120. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

121. SEQRA requires that an environmental impact statement identify and analyze all potentially significant adverse environmental impacts of a proposed action, including impacts to land, water, air, and human health, and requires the lead agency to take a "hard look" at such impacts and provide a reasoned elaboration for its determinations (6 NYCRR §§ 617.7(c), 617.9(b)(1)).

122. The Final EIS identifies PFAS as a class of emerging contaminants and specifically acknowledges DEC's final rule for two specific PFAS substances (Perfluoroctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS)), which identifies those substances as hazardous substances. However, while there are many more PFAS substances than PFOA and PFOS, at this time the DEC rule is limited to those specific substances.

123. The Final EIS states that PFAS may be released to the environment through manufacturing activities, wastewater discharges, and the use of fire-suppression foam during emergency response activities.

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124. SEQRA requires consideration of short-term, long-term, direct, indirect, and cumulative impacts, including impacts that may occur as a result of operational activities over the life of the Project (6 NYCRR § 617.7(c)).

125. Appendix L-1 of the Final EIS expressly acknowledges that PFAS are used in semiconductor fabrication processes and that Micron's proprietary fabrication process and indirect support chemistries may contain PFAS and further acknowledges that PFAS may be present in process-related wastewater and/or air emissions generated by the Project. Upon information and belief, however, the industry has moved away from PFOA and PFOS, the only PFAS substances regulated by DEC, and focuses on other PFAS.

126. However, the Final EIS fails to quantify, model, or meaningfully assess the environmental consequences of those acknowledged uses and releases.

127. Rather than providing a site-specific analysis of PFAS loading, fate and transport, or exposure pathways affecting the surrounding neighborhood, groundwater, and aquifer, the Final EIS relies on generalized descriptions of industry practices and conclusory assurances that PFAS-related impacts will be controlled.

128. SEQRA expressly prohibits reliance on conclusory statements in lieu of analysis and requires an EIS to provide sufficient detail to enable the public and involved agencies to evaluate environmental impacts and mitigation measures (6 NYCRR § 617.9(b)).

129. Appendix K of the Final EIS includes a Phase I Environmental Site Assessment stating that current and historical uses of the subject property and surrounding properties were reviewed and that no potential PFAS sources were identified at or around the subject property.

130. This conclusion is limited to historical and existing site conditions and does not evaluate the reasonably foreseeable future impacts of PFAS releases from the Project itself, as

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required by SEQRA (6 NYCRR § 617.7(a)). The Phase I ESA's conclusion that no PFAS sources were identified does not constitute an analysis of operational PFAS use, wastewater discharges, or air emissions from a new semiconductor manufacturing facility of unprecedented scale.

131. Appendix L-1 was prepared to supplement the Final EIS and describes Micron's intended use, management, and disposal of PFAS at the Project site. Appendix L-1 acknowledges that PFAS may be present in wastewater and air emissions and anticipates that PFAS monitoring and discharge limits will be addressed through future permitting, including SPDES and industrial wastewater discharge permits.

132. However, Appendix L-1 repeatedly defers critical aspects of PFAS impact analysis to future regulatory processes, including the selection of PFAS treatment technologies, final discharge limits, and permit conditions that have not yet been determined.

133. Despite these deferrals, the Final EIS and Appendix L-1 conclude that PFAS storage, use, discharge, and disposal associated with the Project are not anticipated to result in significant adverse environmental effects.

134. SEQRA does not permit a lead agency to defer analysis of significant environmental impacts to future permitting or approvals but requires the lead agency to take a hard look and the EIS itself must provide the necessary information for informed decision-making.

135. The Final EIS fails to evaluate the potential for PFAS contamination to migrate through wastewater, stormwater, or subsurface pathways into surface and groundwater, including public drinking water supply, despite acknowledging groundwater flow patterns and hydrologic connections in the Project area.

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136. The Final EIS further fails to assess cumulative and long-term impacts to nearby residential neighborhoods and communities that rely on groundwater resources, contrary to SEQRA's requirement to assess cumulative impacts and long-range effects.

137. SEQRA requires an EIS to identify and evaluate mitigation measures that would avoid or minimize adverse environmental impacts to the maximum extent practicable (6 NYCRR § 617.9(b)).

138. Several comments submitted in response to the Draft EIS noted the absence of a substantive analysis addressing potential PFAS contamination caused by the Project.

139. The Final EIS does not identify specific mitigation measures, enforceable standards, or operational controls to prevent or address PFAS contamination, instead relying on unspecified future treatment technologies and regulatory approvals.

140. SEQRA requires preparation of a Supplemental EIS where significant adverse environmental impacts were not addressed or were inadequately addressed in the EIS, including where newly relevant information demonstrates that prior analysis was insufficient (6 NYCRR § 617.9(a)(7)(i)).

141. The decision to require a supplemental EIS for newly discovered information "must be based upon the following criteria: (a) the importance and relevance of the information; and (b) the present state of the information in the EIS." 6 NYCRR § 617.9(a)(7)(ii).

142. The addition of Appendix L-1 is "newly discovered information" as it was not available at the time the Draft EIS was accepted for public comment.

143. Furthermore, Appendix L-1's acknowledgment that PFAS may be present in Project-related wastewater and air emissions confirms that PFAS impacts are reasonably

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foreseeable and potentially significant, yet those impacts were not adequately addressed in the Final EIS.

144. Appendix L-1 did not just expand upon information already in the EIS but provided new detail and analysis necessary for evaluation and review of impacts relating to wastewater and/or air emissions generated by the Project and/or exposure pathways affecting the surrounding neighborhood, groundwater, surface water, and other potential environmental impacts. These impacts relate directly to New York citizens' constitutional "right to clean air and water, and a healthful environment." New York Const. Art. I, § 19.

145. Where such information is important and relevant to environmental review, and not meaningfully analyzed in the EIS, the lead agency must require a supplemental EIS subject to full public review and comment (6 NYCRR § 617.9(a)(7)(ii), (iii)).

146. PFAS contamination risks analysis should have been included in the Draft EIS for public review and comment but were not included and, therefore, the lead agency should have required the submission of those documents in a Supplemental EIS, not merely as appendices to the Final EIS. Failure to require a Supplemental EIS for these materials is contrary to SEQRA requirements for public comment.

147. The Lead Agency's acceptance and approval of the Final EIS without requiring a Supplemental EIS addressing PFAS contamination risks was arbitrary and capricious, affected by an error of law, and contrary to SEQRA.

148. The Final EIS should be annulled, and the Lead Agency should be directed to require the preparation of a Supplemental EIS addressing the potential impacts of emerging contaminants on the surrounding neighborhood, rivers, Lake Ontario (the public water source) and overall environment, with full opportunity for public review and comment.

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AS AND FOR A THIRD CAUSE OF ACTION
(The Lead Agency Failed to Adequately Consider a Reduced Scale Alternative)

149. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

150. SEQRA requires that the EIS include "a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor." 6 NYCRR § 617.9(b)(5)(v). The EIS must include a "description and evaluation of each alternative . . . at a level of detail sufficient to permit a comparative assessment of the alternatives discussed."

151. Potential alternatives may include alternatives to the "scale or magnitude" of the project. 6 NYCRR § 617.9(b)(5)(v) (c).

152. The Final Scoping Plan for the Micron Project was released in December 2023. Section 4.3.5 of the Scoping Plan identified a Reduced Scale Proposed Project to be considered and provided:

> The [Draft EIS] will consider an alternative development site plan reflecting a reduced scale of the Proposed Project, which would comprise only the first two Fabs, as described above. All of the same off-site improvements would be considered as part of the Reduced Scale Proposed Project and while the improvements would be scaled to the requirements of the smaller project, the areal extent of disturbance to construct those conveyances would be substantially similar to that required for the Proposed Project while only realizing half of the economic and social benefits from the Proposed Project.
>
> The purpose of this alternative is to assess significant adverse effects from a reduced scale project and compare such effects to the Proposed Project.

153. The Final EIS includes a discussion of Alternatives in section 2.2. However, it notes that "if an alternative would not meet CPO's purpose and need under NEPA or Micron's purpose and need under SEQRA . . . or would not be technically and economically feasible and

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practicable CPO and OCIDA determined not to carry that alternative forward for detailed analysis in the EIS."

154. In relation to the Reduced Scale Alternative, the lead agency concluded that "reduced scale manufacturing alternatives would not be economically viable or meet CPO's purpose and need, and were not carried forward for further evaluation." The lead agency's determination that a Reduced Scale Alternative is arbitrary and capricious, since it was only justified by conclusory statements rather than a full analysis.

155. The Final EIS states:

> Based on Micron's economic model supporting its CHIPS application, which CPO staff reviewed as part of the due diligence process for the Department of Commerce's merits review, the Department determined that Micron would need to construct 2.4 million sq. ft. of cleanroom space capable of producing an average of 52,000 wafers per week over the life of the project to achieve the level of memory chip output sufficient to meet U.S. economic and national security objectives. The Department also determined that Micron would need to construct four fabs co-located at a single site with sufficient supporting infrastructure and utility capacity in order to accommodate the 2.4 million sq. ft. of cleanroom space necessary to achieve the required level of domestic DRAM production in a configuration that would be technically and economically practicable. The Department determined that without the ability to build four co-located fabs, Micron's proposal would incur prohibitive additional costs and operational inefficiencies, which would likely force Micron to withdraw its application and pursue a memory campus in a lower-cost geography outside of the U.S.

The lead agencies' conclusion was improperly predetermined by the Department of Commerce.

156. While the Department of Commerce allegedly determined a four-fab co-located facility is necessary, funding is only being awarded for construction and operation of the first two fabs.

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157. The determination that a reduced scale manufacturing alternative is not feasible and so not further considered in the Final EIS is inconsistent with the Scoping Plan requiring such consideration.

158. The determination that a four-fab facility is necessary is purportedly based upon Micron's economic modeling, including what is described as its Sales and Operations Planning ("SNOP") process. Micron's SNOP analysis was provided to the Department of Commerce with its application for CHIPS funding but was not included with the EIS.

159. Consequently, the Final EIS does not include the documentation to support the conclusion that the reduced scale manufacturing alternatives would not be economically viable. In fact, in response to comments, the lead agency acknowledged that certain information in the Draft EIS provided to support the feasibility conclusion was only "illustrative" and did not include information that would allow for evaluation of the Draft EIS and Final EIS conclusions.

160. In response to the Draft EIS, the Environmental Protection Agency "recommended that the criteria by which the commercial viability of the Project is evaluated should be defined in the Introduction of the EIS." The lead agencies' response asserts that "Deciding which applicants may merit funding under the mandates of the CHIPS Act is discretionary with CPO, and is not subject to public review under NEPA." While the determination of which applicants to fund may be discretionary, the lead agency cannot hide behind such determination to justify not considering reasonable alternatives as required under SEQRA. The EIS should have either included a thorough evaluation of the environmental impacts of the reduced scale alternative or provided the documentation needed to evaluate the economic feasibility of the alternative and not rely upon a "because I say so" justification.

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161. However, the limited information included in the Final EIS regarding the economic feasibility of a two or three fab facility indicates that memory operations, like the proposed Micron Project, require approximately 600,000 square feet of clean room space to be economically viable. Each fab is proposed to meet the 600,000 square feet of clean room space.

162. The determination that a reduced scale manufacturing alternative is not economically feasible without providing sufficient detail into the criteria for such an evaluation and excluding a discussion of the environmental impacts of such an alternative for comparison is inconsistent with the lead agency's obligations under SEQRA.

163. The absence of an evaluation of the environmental impacts of a reduced scale manufacturing alternative for comparison fails to provide the types of information SEQRA is intended to provide to agencies prior to final decision making.

164. Therefore, the Final EIS should be annulled and the necessary detail and review of the reduced scale alternative required.

AS AND FOR A FOURTH CAUSE OF ACTION
(The Final EIS Fails to Provide Sufficient Detail Regarding Social and Economic Issues)

165. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

166. The purpose of SEQRA is for agencies to balance social, economic, and environmental factors in making decisions on a project. ECL § 8-0103(7); 6 NYCRR § 617.1(d).

167. An EIS must include "a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations." 6 NYCRR § 617.9(b)(5)(i).

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168. Further, each involved agency must make a Finding that weighs and balances the relevant environmental impacts with social, economic and other considerations. 6 NYCRR § 617.11(d). This Finding must base its decision on information disclosed in the final EIS.

169. Because the goal of an EIS is to balance environmental impacts with social and economic factors, an EIS must describe *both* environmental factors *and* social and economic factors with an equal level of specificity and detail.

170. Here, other than a description of the projected construction jobs for the project, the Final EIS's discussion of potential social and economic benefits is vague, speculative, and non-committal.

171. Examples where the Final EIS is so flawed include, but are not limited to, the following:

i. The Final EIS relies on the Green CHIPS Community Investment Fund (the "CIF") for many of the supposed socioeconomic benefits of the Micron Project. According to the Memorandum of Understanding for the CIF,[5] the CIF is governed or intended to be governed by a "Green CHIPS Community Plan." However, the Green CHIPS Community Plan is not attached to the Final EIS and is not accessible to the public. Thus, the socioeconomic benefits of the CIF are speculative and unknown.

ii. Much of the socioeconomic effects of the Micron Project are underpinned by proposals within the "Community Investment Framework." However, because the Community Investment Framework is not binding and, in many cases, overly general, Micron's promises within the same are not enforceable, and the socioeconomic benefits of such proposals are speculative. To allow accurate

[5] Available at https://esd.ny.gov/sites/default/files/Executed-MOU-NY-CIF-with-Exhibit.pdf.

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assessment of the true economic and social effects of proposals in the Community Investment Framework, Micron must enter into a binding commitment to the terms of the same.

iii. The Final EIS analyzes the immediate impact of the construction phase of the Micron Project on the job market, but provides no analysis within respect to the long-term impact of the Micron Project with respect to permanent employees of the Micron Campus.

iv. The Final EIS provides no enforceable standards with respect to the hiring process, working conditions, or training programs for permanent employees at the Micron Campus.

v. The Final EIS makes no commitments with respect to the hiring of local workers and/or workers from disadvantaged communities.

vi. On the topic of compensation for permanent employees at the Micron Campus, the Final EIS states only that "[a]nnual salaries plus cash bonuses of employees at the Micron Campus are expected to average approximately $100,000." This is not sufficiently specific because merely reporting the expected average across all employees at the Micron Campus may be concealing high salaries for executives and low salaries for the majority of employees. To allow accurate assessment of true economic benefit and equity across job categories, Micron must provide clear, enforceable salary ranges for each classification of employee at the Micron Campus.

vii. The Final EIS provides no enforceable standards with respect to the hiring process, working conditions, or training programs for employees at the Micron Campus and

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provides no enforceable commitments. In particular, the EIS provides no detail on hiring programs for communities within a set range of the project, including the disadvantaged communities of neighboring Syracuse where underemployment and unemployment rates are high. Local hiring programs have been found to significantly reduce transportation costs, GHG emissions and the need for new housing construction in major projects.

viii. On the topic of housing, the Final EIS acknowledges that substantial new housing will be required but provides only that Micron will "continue to work with agencies and stakeholders to identify specific actionable measures to avoid or minimize the potential for short term significant adverse effects." In response to comments, the Final EIS asserts that "Micron is not required to provide housing, housing strategies." Given the projected scale of the project with 9,000 new permanent employees, there is no clear plan for either the provision of adequate housing for Micron employees or adequate measures to keep the cost of housing in the region from escalating. The Final EIS must include formal plans and binding commitments by Micron for how it will work with local agencies and stakeholders to identify specific measures in the local community to mitigate the effects of the Micron Project's impact on housing costs and provide sufficient housing for its employees.

ix. The Final EIS identifies the need for expansion of public transportation but provides minimal detail on plans and costs to expand public transportation infrastructure to meet the demands as a result of the Micron Project. To allow accurate assessment of the impact of the Micron Project on public transportation

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and costs of expansion on local taxpayers, the Final EIS must detail comprehensive and clear plans for expanding public transportation infrastructure.

172. The Final EIS and public statements from stakeholders have emphasized the economic benefit of the Micron Project for New York generally and the Central New York region specifically. Because the Final EIS does not describe these and other social and economic issues with sufficient specificity and detail, and lacks clear enforceable commitments from Micron, it is impossible for agencies to properly balance the potential social and economic benefits from the jobs to be created, community investment, and housing development against the environmental effects of the Micron Project.

173. Therefore, the absence of such information within the Final EIS fails to provide the types of information SEQRA is intended to provide to agencies to balance the admittedly significant environmental impacts that cannot or will not be mitigated and thereby justify approving an EIS and project of this scope and scale. Therefore, the Final EIS should be annulled.

AS AND FOR A FIFTH CAUSE OF ACTION
(Deficiencies in Analysis of Wetland Impacts)

174. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

175. SEQRA requires that the EIS include "a concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives" as well as "a statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence." 6 NYCRR § 617.9(b)(5).

176. Further, an Article 24 permit is required for any activities which would affect those freshwater wetlands which are regulated by the State of New York ("NYS regulated wetlands").

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177. In granting, denying or modifying such a permit, NYSDEC must weigh the ecological impacts of the proposed activity against the economic benefits from the proposed activity. Among other applicable standards for such weighing: "[f]or wetland Classes I, II, and III, the proposed activity must minimize degradation to, or loss of, any part of the wetland or [its] adjacent area and must minimize any adverse impacts on the functions and benefits that the wetland provides." 6 NYCRR § 663.5(e).

178. When the applicant proposes to undertake mitigation measures in order to meet the standards for an Article 24 permit, "the mitigation must provide substantially the same or more benefits [than] will be lost through the proposed activity" and "[i]f mitigation does not totally compensate for lost values or benefits that would be lost by the proposed activity, the net loss of benefits must be assessed [and a]ny unmitigated net loss of wetland values must then be weighed . . ." 6 NYCRR § 663.5(g).

A. <u>Failure to Consider Wetlands of Unusual Importance in the EIS</u>

179. NYS regulated wetlands are those lands and waters within the State which meet certain criteria defined in Environmental Conservation Law § 24-0107. In 2022, the Environmental Conservation Law was amended to make wetlands of "unusual importance," as jurisdictional regardless of size effective January 1, 2025.

180. Accordingly, in order to conduct the analysis necessary for an Article 24 permit to be issued for the Micron Project, it was necessary to assess which wetlands affected by the Micron Project are NYS regulated wetlands, including whether any wetlands affected by the Micron Project are wetlands of unusual importance.

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181. Following the amendment of the Environmental Conservation Law, the DEC amended its Article 24 regulations to reflect the addition of wetlands of "unusual importance", which also took effect January 1, 2025.

182. Upon information and belief, after the amendment of ECL § 24-0107 was adopted into law, but before the amendment or the DEC regulations took effect, Micron's consultant performed field delineations of potential wetlands on the Micron Campus, the Rail Spur and the Childcare Site for the Micron Project.

183. Micron acknowledges in the Final EIS that the site of the Micron Project includes approximately 444.7 acres of wetlands. Micron's consultant identified 430.39 acres of wetlands as subject to federal jurisdiction, 403.26 acres as subject to New York state jurisdiction and 13.87 acres as "non-jurisdictional."

184. In 2024, the USACE and DEC issued Jurisdictional Determinations for these wetlands.

185. Neither the Draft EIS nor the Final EIS describe any analysis to determine whether any wetlands affected by the Micron Project would be jurisdictional as wetlands of unusual importance. In fact, the Final EIS text makes no reference to wetlands of unusual importance. Thus, in violation of SEQRA, sufficient information on this analysis was not provided to agencies or to the public.

186. Moreover, upon information and belief, neither Micron nor any person or entity on Micron's behalf assessed whether any wetlands affected by the Micron Project are wetlands of "unusual importance."

187. Appendix F-3 of the Final EIS states instead "New York State jurisdictional authority was based on connection of wetlands to State Class II and III jurisdictional wetlands

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previously mapped (prior to regulatory changes implementing amendments to Article 24 of the ECL, which took effect on January 1, 2025) adjacent to, within, and north of the overhead electric utility ROW located on the northern portion of the proposed Micron Campus site." This statement supports the conclusion that Micron's consultant did not evaluate whether jurisdictional wetlands of unusual importance are located on the Micron Campus.

188. Upon information and belief, neither NYSDEC nor any person or entity on NYSDEC's behalf assess whether any wetlands affected by the Micron Project are wetlands of "unusual importance."

189. In the alternative, upon information and belief, analysis of wetlands of unusual importance was conducted prior to regulations defining wetlands of unusual importance which became effective on January 1, 2025, and thus does not properly reflect such definition.

B. DEC Failure to Require New Jurisdictional Determination

190. DEC's regulations require a party seeking a wetland permit to request confirmation of wetlands classification. As noted, a DEC jurisdictional determination was received prior to the DEC's new regulations going into effect in January 2025.

191. The DEC's updated regulations and classifications apply to current permit approvals but include a grandfathering provision in 6 NYCRR § 664.1(c):

> Where a property owner or applicant received, prior to January 1, 2025, either a freshwater wetlands permit issued by the department or a letter from the department notifying them that their freshwater wetlands application is complete, the project may proceed under the freshwater wetlands jurisdictional determination issued by the department prior to January 1, 2025, until expiration of the issued permit.

192. DEC guidance explains that that if a project doesn't meet any of the criteria, then the project applicant must submit a jurisdictional determination request under the new regulations.

193. Micron did not receive a freshwater wetlands permit prior to January 1, 2025.

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194. The DEC only deemed Micron's wetland permit application complete in July 2025.

195. Therefore, Micron's Article 24 application could not proceed based on the jurisdictional determination issued prior to January 1, 2025, and a new jurisdictional determination was required.

196. Accordingly, because no analysis of wetlands of unusual importance was undertaken and/or because such analysis was improperly based upon old regulatory definitions and the jurisdictional determination in 2024 was issued under the old regulations, it is likely that wetlands of unusual importance, which are NYS regulated wetlands, were not considered in the Article 24 permit application process.

197. Because such wetlands of unusual importance were not considered, it was impossible for NYSDEC to properly weigh the effects of the Micron Project on these wetlands of unusual importance.

198. Because such wetlands of unusual importance were not considered, it was impossible for NYSDEC to properly weigh whether the mitigation measures proposed by Micron are sufficient to mitigate the impacts of the Micron Project on these wetlands of unusual importance.

199. Because the Final EIS failed to include sufficient information on the analysis of wetlands of unusual importance, and because upon information and belief no such analysis was completed, NYSDEC's granting of an Article 24 permit for the Micron Project was in excess of its authority and contrary to law. Therefore, said Article 24 permit should be annulled pending a new delineation and jurisdictional determination consistent with the 2025 regulations is obtained.

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C. The Mitigation Plan Over Emphasizes Ratios Without Addressing Wetland Benefits

200. The Article 24 permit covers 176.44 acres of wetlands to be permanently disturbed and lost.

201. The DEC approved a Wetland Mitigation Plan as part of the approval to disturb those state regulated wetlands.

202. According to the Mitigation Plan attached to the Final EIS, Micron proposes to re-establish and rehabilitate approximately 422.14 acres across six properties.

203. The Mitigation Plan, Final EIS, and DEC Permit approval rely upon the more than 2 to 1 ratio of mitigation wetlands to those being permanently lost.

204. The regulations do not rely upon pure ratios for wetland mitigation due to the numerous factors that impact the replacement of wetland benefits. As noted, "the mitigation must provide substantially the same or more benefits [than] will be lost through the proposed activity".

205. The six locations for re-establishment and rehabilitation of wetlands are all located north and west of the Oneida River. However, the wetlands being permanently lost are all located south and east of the Oneida River.

206. In comments on the Draft EIS, the US Fish and Wildlife Service noted that "on a regional basis cumulative impacts to wetlands from the projects . . . are likely to be substantial on downgradient functions and services, despite BMPs and mitigation measures."

207. Since no mitigation wetlands were placed downgradient of the Micron Project, the mitigation fails to address the downgradient functions and benefits of those wetlands.

208. The Final EIS fails to adequately address the net loss of downgradient benefits.

AS AND FOR A SIXTH CAUSE OF ACTION
(The DEC's Justification Under CLCPA § 7(2) is Arbitrary and Capricious)

209. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

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210. In 2019, New York passed the Climate Leadership and Community Protection Act "to adopt measures to put the state on a path to reduce statewide greenhouse gas emissions."

211. The CLCPA sets statewide GHG Emission Limits and requires the state reduce such emissions with specific thresholds of a 40% reduction from 1990 emissions by 2030 and 85% reduction from 1990 emissions by 2050.

212. Section 7(2) of the CLCPA requires state agencies consider the consistency of a project with the CLCPA prior to permit approval. Specifically, it provides:

> In considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, all state agencies, offices, authorities, and divisions shall consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in article 75 of the environmental conservation law. Where such decisions are deemed to be inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits, each agency, office, authority, or division shall provide a detailed statement of justification as to why such limits/criteria may not be met, and identify alternatives or greenhouse gas mitigation measures to be required where such project is located.

213. New York Courts have explained that CLCPA § 7(2) is composed of three elements: 1) determining whether an application is inconsistent with attainment of GHG emission limits; 2) if inconsistent, providing a detailed justification; and 3) if inconsistent and justified, identify alternatives and mitigation to be required.

214. In December 2022, DEC issued Division of Air Resources Program Policy DAR-21 "The Climate Leadership and Community Protection Act and Air Permit Applications."

215. DAR-21 requires an applicant for certain permits, including New Title V air permits, to provide a CLCPA § 7(2) analysis.

216. As noted in the Final Scoping Document, the Micron Project will require a stationary source air pollution control permit that will require a CLCPA greenhouse gas evaluation.

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The Final Scoping Document required the Draft EIS to include such GHG emission and CLCPA analysis.

217. As noted *supra*, the Draft EIS failed to include a CLCPA § 7(2) analysis as required by the Final Scoping Document. A CLCPA § 7(2) Analysis dated July 2025 was included in the Final EIS. Upon information and belief, Micron updated the CLCPA § 7(2) analysis in October 2025.

218. The Analysis asserts projected 2050 GHG emissions of 11,592,512tpy of CO_2e. The Analysis acknowledges that the project includes a significant increase in GHG emissions, therefore, it includes a lengthy discussion of alternatives and whether those alternatives are feasible.

219. Since there are no feasible alternatives to certain emissions, the Analysis discusses mitigation. However, there is minimal mitigation proposed, including a fund for projects to be identified later.

220. On December 12, 2025, DEC issued a "Justification Statement for Inconsistency with Section 7(2) of the Climate Leadership and Community Protection Act" for the Micron New York Semiconductor Manufacturing LLC Project (the "Justification").

221. The DEC determined that the Project is inconsistent with the CLCPA as it will result in significant GHG emissions. Petitioners do not challenge this determination.

222. The DEC determined that despite being inconsistent with the CLCPA the Project is justified "because it directly and materially serves national security interests." Petitioners do not challenge this justification.

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223. The Justification discusses five (5) alternatives the Micron commits to that will reduce potential GHG Emissions by 367,320tpy of CO_2e. Petitioners do not challenge this evaluation of alternatives.

224. The Justification also notes that the Title V permit will incorporate limits on the operation of certain stationary equipment that will reduce the potential GHG emissions by 7,853,934tpy of CO_2e. The Justification correctly notes these limits are required by the Title V Air Permit and cannot be considered mitigation. Petitioners do not challenge this determination.

225. Even with these alternatives, the Justification notes the unmitigated potential to emit GHGs is still 2,362,675tpy of CO_2e. The Analysis identifies the unmitigated emissions as 2,604,404tpy of CO_2e.

226. The Justification identifies just three areas of mitigation:

1. Installation of solar photovoltaic panels on non-fab buildings (which at full buildout of the four-fab facility will amount to 4 megawatts and result in a reduction of 457 metric tons of CO_2e per year);
2. Installation of at least 60 electric vehicle charging stations per fab at the facility (11,080 metric tons CO_2e per year reduction); and
3. The allocation of $2.5 million dollars per fab to fund additional projects or programs to reduce emissions resulting from fabs 1 and 2 of the facility.[6]

227. When the analysis determines that there are no feasible alternatives to GHG emissions then mitigation must be considered. DAR-21 provides that a "mitigation efforts must be real, quantifiable, permanent, verifiable, and enforceable." Additionally, "[w]herever possible, mitigation should result in a reduction in GHG emissions that is at least equivalent to the increases in potential GHG emissions from the project."

[6] A modification of the air permit will be required for Fabs 3 and 4 so a CLCPA analysis will be required when they seek that. The Analysis indicates the amount of a fund for mitigation projects associated with Fabs 3 and 4 as part of the future CLCPA analysis.

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228. The first two areas of mitigation only address and mitigate 11,537tpy of CO_2e. The third area of purported mitigation does not identify any actual mitigation, merely a fund. DEC's acceptance of this mitigation is inconsistent with DAR-21 and is, therefore, arbitrary and capricious.

229. The CLCPA § 7(2) requires identification of "mitigation measures to be required where such project is located." It does not authorize payments in lieu of mitigation.

230. The third area of mitigation fails to identify any real, quantifiable, or verifiable reduction in GHG emissions. Moreover, the Justification does not set any criteria for the fund or the projects selected.

231. The Analysis includes a single paragraph addressing the Mitigation Funding. It states: "Micron will develop a mitigation plan to describe the process for identifying, evaluating, and selecting eligible projects, including the criteria for qualification and the timeline for implementation." However, no such "plan" was included in the Analysis or the Justification.

232. The draft Title V permit issued by the DEC includes a condition requiring submission of a Mitigation Plan within a year of permit issuance. Thus, the Justification and draft permit merely set a deadline for the identification of mitigation measures and do not comply with CLCPA § 7(2)'s requirement to identify mitigation measures.

233. The draft permit provides that "all Mitigation Projects approved by the Department must result in a permanent, quantifiable GHG emissions reduction that is in addition to actions already required by law or regulation, including onsite Mitigation Projects to the extent feasible and otherwise offsite Mitigation Projects in the surrounding community." Neither it nor the Justification actually provide a requirement of real, quantifiable emissions reduction.

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234. The acceptance of a funding amount instead of requiring the funding of projects that will "result in a reduction in GHG emissions that is at least equivalent to the increases in potential GHG emissions from the project" or a justification that the funding amount will "result in a reduction in GHG emissions that is at least equivalent to the increases in potential GHG emissions from the project" is arbitrary and capricious and inconsistent with DAR-21.

235. By one analysis of the current costs of carbon mitigation, the proposed funding may only be sufficient to mitigate a small fraction of the projected emissions.

236. The Justification fails to provide enforceable mitigation as it does not identify actual mitigation projects to fund or a specific plan with defined emission mitigation levels. Even the draft Permit merely provides enforcement for delivery of a plan, implementing the plan, and allocating funds. No measures are outlined to permit enforcement of "real, quantifiable, permanent, [and] verifiable" mitigation.

237. The DEC's Justification of the Micron Project without identifying "real, quantifiable, permanent, verifiable, and enforceable" mitigation measures but merely funding for projects that are unknown and unidentified, without known criteria for selection or quantifiable GHG mitigation fails to satisfy the requirements of CLCPA § 7(2) and is inconsistent with DAR-21. Therefore, the issuance of the Justification is arbitrary and capricious and should be annulled.

AS AND FOR A SEVENTH CAUSE OF ACTION
(The Annulling of the Final EIS Requires Subsequent Permits be Annulled)

238. Petitioners repeat and reallege the foregoing paragraphs as if fully set forth herein.

239. As set forth above, the Court should annul the Final EIS.

240. Under SEQRA no agency or municipality may fund or approve a project until SEQRA is complete. Upon the annulling of the Final EIS, SEQRA review of the Micron Project

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will not be complete. Consequently, any funding, permit, Finding Statement, or approval issued following the issuance of the Final EIS should be annulled pending completion of SEQRA.

241. Therefore, the Court should annul any site plan approval or building permit issuance or approval from the Planning Board or Commissioner Bender[7], any permit or approval issued by DEC[8], or any funding by OCIDA for the Micron Project.

WHEREFORE, Petitioners respectfully request this Court enter an order and judgment:

a) Annulling the Final Environmental Impact Statement issued by Respondent ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY on November 12, 2025, for the MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC Project;

b) Annulling each and every permit, approval, Finding Statement, or license issued by Respondents ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TOWN OF CLAY PLANNING BOARD, or BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay to MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC;

c) Annulling Respondent NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION's "Justification Statement for Inconsistency with Section 7(2) of the Climate Leadership and Community Protection Act" dated December 12, 2025;

d) Awarding Petitioners of their costs, disbursements, and attorney fees; and

e) Such other and further relief as this Court determines to be just and equitable.

[7] Petitioners do not assert a challenge to the Planning Board site plan approval or any building permits or approvals issued by Commissioner Bender beyond the fact that SEQRA should be deemed incomplete upon the annulling of the Final EIS.
[8] Petitioners do not assert any challenges to any DEC permits or approvals except as explicitly set forth above and the fact that SEQRA should be deemed incomplete upon the annulling of the Final EIS.

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Dated: January 16, 2026
Albany, New York

RUPP PFALZGRAF, LLC

William F. Demarest III, Esq.
John L. Barone, Esq.
Counsel for Petitioners
24 Aviation Road, Suite 204
Albany, New York 12205
(518) 432-4100
Demarest@RuppPfalzgraf.com
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Of Counsel:
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General Counsel
Jobs to Move America
525 South Hewitt Street
Los Angeles, CA 90013
(716) 863-3606

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VERIFICATION

I, William F. Demarest, III, Esq., make the following affirmation, under penalty of perjury.

1. I am an attorney with Rupp Pfalzgraf, LLC, attorneys for Petitioners Neighbors for a Better Micron and Jobs to Move Ameria.

2. The foregoing Verified Petition is true to my own knowledge, except those matters stated to be upon information and belief, and as to those matters, I believe them to be true. The grounds of my belief as to matters not stated upon my knowledge are my review of the pertinent documents and information provided by persons with direct knowledge of these matters.

3. This verification is made by counsel for Petitioners because Petitioners do not reside within the County in which counsel maintain an office.

I affirm this 16th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

William F. Demarest III, Esq.

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President, Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

NOTICE OF VERIFIED PETITION

Index No.:

PLEASE TAKE NOTICE that upon the annexed Verified Petition dated January 16, 2026, and the affirmations and exhibits annexed thereto, Petitioners NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President Bonita H. Siegel, and JOBS TO MOVE AMERICA (collectively, "Petitioners"), by and through their counsel Rupp Pfalzgraf, LLC, will petition this Court at a general motion part thereof, located at the Albany County Courthouse, 16 Eagle Street, Albany, New York on March 16, 2026, at 9:30 A.M., or as soon thereafter as counsel may be heard, pursuant to Article 78 of the New York Civil Practice Laws and Rules ("CPLR") for:

a) An Order annulling the Final Environmental Impact Statement issued by Respondent ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY on November

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12, 2025, for the MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC Project;

b) An Order annulling each and every permit, approval, Finding Statement or license issued by Respondents ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TOWN OF CLAY PLANNING BOARD, or BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay to MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC and/or MICRON TECHNOLOGY, INC.;

c) An Order annulling Respondent NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION's "Justification Statement for Inconsistency with Section 7(2) of the Climate Leadership and Community Protection Act" dated December 12, 2025;

d) An Award to Petitioners of their costs, disbursements, and attorney fees; and

e) Such other and further relief as this Court determines to be just and equitable.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 7804(e), you are hereby directed to file with the Clerk of the Court and serve upon Petitioners' attorney your answer, answering affidavits, if any, and all other papers, together with a certified record of the proceeding and the certified transcript of the hearings and meetings considered in this matter. Pursuant to CPLR § 7804(c), Respondents' answer and supporting affidavits shall be served at least five (5) days before the above return date, and Petitioners' reply, if any, shall be served one (1) day before the return date; and

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PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 506(b), venue is in Albany County, a county within the judicial district where the principal office of a respondent is located.

Date: January 16, 2026
Albany, New York

RUPP PFALZGRAF, LLC

William F. Demarest III, Esq.
John L. Barone, Esq.
Counsel for Petitioners
24 Aviation Road, Suite 204
Albany, New York 12205
(518) 432-4100
Demarest@RuppPfalzgraf.com
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Of Counsel:
Melanie J. Prasad, Esq.
General Counsel
Jobs to Move America
525 South Hewitt Street
Los Angeles, CA 90013
(716) 863-3606

To: ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
335 Montgomery, Floor 2M
Syracuse, New York 13202

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
625 Broadway
Albany, New York 12233-0001

Office of the New York State Attorney General, LETITIA JAMES
Managing Attorney's Office
Empire State Plaza
Justice Building, 2nd Floor
Albany NY 12224

TOWN OF CLAY PLANNING BOARD
Town Hall
4401 Route 31
Clay, New York 13041

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BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay
Town Hall
4401 Route 31
Clay, New York 13041

MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC
C/O Corporation Service Company
80 State Street
Albany, New York 12207

MICRON TECHNOLOGY, INC.
C/O Corporation Service Company
80 State Street
Albany, New York 12207

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

AFFIRMATION OF PETER ADRIAN DUNN, JR.

Index No.:

I, Peter Adrian Dunn, Jr., hereby affirm the following under penalty of perjury pursuant to CPLR Rule 2106:

1. I am over the age of 18 and a resident of the Town of Clay, State of New York. The statements set forth herein are based on my personal knowledge, except where stated to be upon information and belief, and as to those matters I believe them to be true.

2. I submit this Affirmation in support of the Article 78 proceeding captioned above.

3. I am a member of Neighbors for a Better Micron (the "Association"), one of the Petitioners in this proceeding. As a member, I support the Association's goal of encouraging Micron to have a positive impact on its future community and the Association's challenge to the Micron Project SEQRA review.

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4. I am aware of the Semiconductor Manufacturing Project proposed by Micron New York Semiconductor Manufacturing LLC in the Town of Clay, New York (the "Micron Project), as well as the extensive permitting, infrastructure construction, and other governmental and regulatory actions being undertaken to facilitate the Micron Project. I am also aware that to effectuate the Micron Project, public agencies like the Town of Clay and the Onondaga County Industrial Development Agency have made efforts to regulate, permit, and prepare for this construction, including undertaking infrastructural construction of their own.

5. I reside at 4616 Verplank Road in the Town of Clay, New York, 13041 (Tax Map No. 312489044.-01-11.0) (hereinafter "my residence" or "the property"). The property is held in a trust of which my two sons, Paul Lyon and Brett Dunn, are trustees. My stepson, Travis Lyon, and I are beneficiaries of the trust. The property is on a public water system and also has well water.

6. I pay the property taxes, utilities, and maintenance costs for the residence. This is my childhood home; I lived here from 1950-1975 and continuously since 2016. I intend to continue residing at this property indefinitely.

7. My residence is located approximately 1 mile from the National Grid Substation Expansion associated with the Micron Project, approximately 1.3 miles from the associated rail spur site, less than 1 mile from the associated wastewater treatment plant, and approximately 1.43 miles from the Micron Project's main campus.

8. In the spring of 2025, a pump station was constructed within 2 miles of my property with the intent of servicing the wastewater needs of the Micron Project. Pipelines were installed that connect the pump station to a sewage treatment plant. Two large underground pipes were buried in the right-of-way along Verplank Road, which directly abuts the property where I reside.

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9. In conversations with construction workers while they were installing these pipes, I learned that the placement of the pipes was permitted based on an easement. I also spoke with a man who identified himself as an Inspector during the construction process. I learned that these pipelines are intended to convey industrial wastewater and toxic chemicals from the Micron Project to downstream treatment facilities. I spoke with this Inspector regularly and conveyed my serious concerns about the proximity of these pipes to my residence.

10. The fact that this wastewater infrastructure is located so close to my home raises real concerns about the risk of leaks, failures, or accidental discharges over the Micron Project's long operational life. The Final Environmental Impact Statement for the Micron Project acknowledges that this wastewater will contain toxic chemicals that are harmful to human health and the environment, specifically, PFAS, which are known as "forever chemicals." Due to the location of my property, any wastewater or chemicals would naturally flow downhill directly toward my residence, contaminating the soil, vegetation, groundwater, and surface water.

11. The Final Environmental Impact Statement also acknowledges that construction of the Micron Project requires the permanent removal of hundreds of acres of wetlands, which will affect my property in multiple ways. I am concerned about increased storm runoff and potential flooding at the property as a result of the loss of hundreds of acres of wetlands, to be replaced by impervious surfaces. The Final Environmental Impact Statement makes clear in Appendix F, Volume 3 that proposed wetland mitigation and restoration efforts will not address these concerns as said restoration efforts will occur on the other side of the Oneida River from my property. That is, none of the proposed replacement wetland properties will function as runoff prevention and drainage in the same way as existing wetland resources.

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12. Construction of the Micron Project will cause noise at the property, particularly from vehicular traffic carting supplies to the construction site. Verplank Road, off of which I live, is classified as a "major collector" in the Traffic Impact Study included within the Micron Project's Final Environmental Impact Statement (see Appendix M.) Thus, the Micron Project will introduce a level of noise and disturbance I have not previously experienced at my home.

13. The Micron Project will also impact wildlife around my residence. I frequently observe and enjoy seeing wild turkeys, deer, songbirds, and bats at and around the property, which reside in the fields, forests, and wetlands in the surrounding area. The removal of the wetlands will eliminate and fragment wildlife habitat in proximity to my residence and reduce the presence and visibility of wildlife that I have enjoyed for years. The Final Environmental Impact Statement addresses wildlife issues in Appendix G, but the Statement also makes clear that the relocation of habitat further away from my residence will not address my concerns regarding the impact of the Micron Project on the visibility of wildlife from my residence.

14. I previously used the land upon which the Micron Project will be constructed for lawful recreational activities as permitted by the King family that resided on Caughdenoy Road. The King family are relatives of mine. Until the King family was forced to sell their property, I would go hunting, birdwatching, and hiking on the Micron Project site multiple times each year. I grew up in the area and I had been utilizing the land in this way for decades, since I was a child. I have not been able to access the land for this recreational use since the Micron Project earmarked the land for construction.

15. In late 2024 or early 2025, I attended two public hearings concerning the Micron Project and raised my concerns regarding the environmental and community impacts described above.

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16. The Micron Project will fundamentally change the environment in which I live. The proximity of large-scale industrial facilities and wastewater infrastructure, the loss of wetlands and open space, increased noise, traffic, and disruption, heightened flooding and runoff concerns, and the permanent alteration of the area's rural character all directly affect my daily life, my ability to use and enjoy my property, and the community I have been part of for many years.

17. I affirm this 15 day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Peter Adrian Dunn, Jr.

Peter Adrian Dunn, Jr.

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

AFFIRMATION OF CHRISTINE E. HERRMANN

Index No.:

I, Christine E. Herrmann, hereby affirm the following under penalty of perjury pursuant to CPLR Rule 2106:

1. I am over the age of 18 and a resident of the Town of Cicero, New York. The statements set forth herein are based on my personal knowledge, except where stated to be upon information and belief, and as to those matters I believe them to be true.

2. I submit this Affirmation in support of the Article 78 proceeding captioned above.

3. I am a member of Neighbors for a Better Micron (the "Association"), one of the Petitioners in this proceeding. As a member, I support the Association's goal of encouraging Micron to have a positive impact on its future community and the Association's challenge to the Micron Project SEQRA review.

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4. I am aware of the Semiconductor Manufacturing Project proposed by Micron New York Semiconductor Manufacturing LLC in the Town of Clay, New York (the "Micron Project"), as well as the extensive permitting, infrastructure construction, and other governmental and regulatory actions being undertaken to facilitate the Micron Project. I am also aware that to effectuate the Micron Project, public agencies like the Town of Clay and the Onondaga County Industrial Development Agency have made efforts to regulate, permit, and prepare for this construction, including undertaking infrastructural construction of their own.

5. I reside at 5574 Louis Avenue, Brewerton, New York 13029 (Tax Map No. 312289119.-01-05.1) (hereinafter "my residence" or "the property"). This is my childhood home. Except for the periods 1989-2003 and 2014-2016, I have lived at this property my entire life. I have lived at this property continuously since 2016 and am registered to vote at this address.

6. The property is owned by my 90-year-old mother, Marion Herrmann, who has dementia. I am her primary caregiver and am named in her will as the sole inheritor of the property. I reside at this property full-time and intend to continue to do so.

7. My residence is located approximately half a mile northeast of the Micron Project. Outside my small neighborhood of approximately 30 residents, itself also approximately half a mile northeast of the Micron Project, only undeveloped forests and wetlands exist between my residence and the Micron Project. My neighborhood is mostly surrounded by these undeveloped forests and wetlands.

8. The Micron Project will affect transportation on the primary streets I use for access to my residence. Route 11, the sole roadway providing access to my neighborhood, has already become periodically unusable due to increased traffic. The traffic on Route 31, which

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intersects with Route 11 to the south, renders that intersection increasingly difficult to navigate, sometimes limiting ingress and egress to my neighborhood.

9. Verplank Road provides an alternate westerly route to Route 31, but the laying of pipes and carting of supplies for Micron-affiliated construction projects on Verplank Road made using this alternative to get into and out of my neighborhood more difficult, too. These problems may reoccur with renewed construction. Prior to the commencement of infrastructural construction related to the Micron Project, these traffic problems did not exist.

10. I am concerned about increased construction traffic and traffic related to the operation of the facility particularly given my mother's age and condition, which may in the future require immediate access to roadways for emergency appointments and ambulances. The hypothetical plans for improving public transit options in my area, which are outlined in the Final Environmental Impact Statement for the Micron Project, will not prevent these traffic problems.

11. The Micron Project will also impact local water systems. The water table at my residence is high. I rely on a sump pump to remove groundwater from my home and French drains to relieve water pressure from the underground walls of my home. Any contamination of groundwater or increased runoff would pose serious problems for the safety and integrity of my home.

12. The Micron Project will also impact my use and enjoyment of the property. I have an extensive garden that I have cultivated for years located on the property, which is over a decade in age. I grow native pollinator plants in this garden and it is registered with the National Wildlife Federation as a wildlife habitat as well as with the North American Butterfly Association and the Xerces Society for Invertebrate Conservation as pollinator habitat. In

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particular, I grow milkweed, which provides a habitat for Monarch butterflies. In addition to the native habitat in my garden, I also grow apple trees, peach trees, pear trees, sugar maples, a chestnut tree, a pecan tree, hazelnut bushes, and other crops at my residence to produce food for myself and others. After establishing my native pollinator garden, I became a member of Habitat Gardeners of Central New York ("HGCNY"), a volunteer membership association. HGCNY is the Syracuse local group of Wild Ones, which is a national organization that aims to restore native habitat in the country.

13. The property already experiences some drainage issues as its western portion is comprised of solid clay through which water does not easily drain. To mitigate the drainage problems, several years ago I installed a lined pond that measures approximately 4 feet by 5 feet, which provides general drainage for surface water on the property . I also dug a drainage ditch and planted flood-tolerant plants like dogwood, marshmallow, buttonbush, obedient plant, and other wetland plants to address these drainage challenges.

14. The Micron Project will permanently destroy hundreds of acres of surrounding wetlands that directly abut my neighborhood and currently provide natural drainage for the property. The loss of these wetlands will increase storm runoff and worsen flooding. The wastewater generated by the Micron Project may also contaminate groundwater with harmful chemical waste. The combined effects of potential contamination and decreased drainage will negatively impact my pollinator garden and my food garden, destroying the native habitat I have cultivated, and worsen flooding conditions that pose a direct risk to the safety and integrity of my home.

15. The Micron Project will also impact the visibility of wildlife from my residence. I frequently observe and enjoy seeing large animals like wild turkeys, deer, and rabbits, a large

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variety of songbirds (incl. cardinals, tufted titmice, nuthatches, chickadees, blue jays, blackbirds, bluebirds, Carolina wrens), birds of prey (incl. osprey and sharp-shinned hawks), insects (Monarch butterflies which rely on milkweed in my garden, eastern swallowtails, red admirals, white cabbage moths, and other moths), frogs/toads (incl. breeding populations in my pond), garter snakes, and bats, which fly through and feed at my residence. The construction of the Micron Project will eliminate and fragment nearby habitat for this wildlife, reducing the presence and visibility of wildlife I have enjoyed for many years.

16. The Final Environmental Impact Statement discusses the potential construction of new habitat for certain wildlife species present in the project area, but I remain concerned about habitat fragmentation and suitability. Critically, these proposed mitigations will relocate hundreds of acres of wildlife habitat from our neighborhood into other, dispersed areas of New York, resulting in habitat loss and impacting my ability to enjoy this wildlife at my residence.

17. The Micron Project may also introduce sustained noise and industrial activity at my residence as construction begins in close proximity to my home. In addition to affecting my enjoyment of the property, this activity may disturb animals like songbirds that nest and live on the property.

18. I am also concerned about potential degradation of air quality from construction and industrial operations. Heavy construction equipment, increased truck traffic, and ongoing industrial activity will introduce additional emissions, dust, and pollutants into an area that has historically had clean air. Clean air is an important reason I have remained in this neighborhood, particularly given my mother’s health needs, and any decline in air quality would directly affect our comfort, well-being, and enjoyment of our home.

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19. On August 13, 2025, I submitted a public comment on the Draft Environmental Impact Statement for the Micron Project, a true and complete copy of which is attached as Exhibit 1 herein.

20. The Micron Project will fundamentally change the place where I live. The proximity of large-scale industrial development, increased traffic and access problems, heightened flooding and drainage concerns, loss of wetlands and wildlife habitat, noise, air quality concerns, and disruption to my home and garden all affect my daily life and well-being. The permanent alteration of this area affects my ability to use and enjoy my property as well as the character of the community I have lived in for many years.

21. I affirm this 15th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Christine Herrmann

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[redacted]

---- Forwarded Message -----
From: Chris Herrmann <sirhc_warrior@yahoo.com>
To: "comments.micron2025@dec.ny.gov" <comments.micron2025@dec.ny.gov>
Sent: Wednesday, August 13, 2025 at 12:46:23 PM EDT
Subject: Micron Proposed Wetlands Exchange

I'm a Cicero resident, located a mile and a half from the site Micron desires to drain, and I feel the need to strenuously object to their proposal to "trade" wetland siting from Onondaga to Oswego. How do new wetlands on the other side of the Oneida River help drain Cicero? How will those wetlands help with assisting in the effluent coming from the new fabs themselves? We have yet to see confirmed in the DEIS that Micron has committed to tertiary treatment of their effluent - will they be spilling PFAS and other chemicals into our waterways and/or groundwater? Cicero itself is and always has been a *swamp* - we need those designated wetland areas to take up our excess groundwater in the event of increasing massive rain events that came come without warning. Allowing Micron to drain this section of the county is incredibly irresponsible.

Christine Herrmann
5574 Louis Ave
Brewerton, NY 13029
315-699-3937

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

AFFIRMATION OF JOHN T. PLETL

Index No.:

I, John T. Pletl, hereby affirm the following under penalty of perjury pursuant to CPLR Rule 2106:

1. I am over the age of 18 and a resident of the Town of Clay, New York. The statements set forth herein are based on my personal knowledge, except where stated to be upon information and belief, and as to those matters I believe them to be true.

2. I submit this Affirmation in support of the Article 78 proceeding captioned above.

3. I am a member of Neighbors for a Better Micron (the "Association"), one of the Petitioners in this proceeding. As a member, I support the Association's goal of encouraging Micron to have a positive impact on its future community and the Association's challenge to the Micron Project SEQRA review.

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4. I am aware of the Semiconductor Manufacturing Project proposed by Micron New York Semiconductor Manufacturing LLC in the Town of Clay, New York (the "Micron Project"), as well as the extensive permitting, infrastructure construction, and other governmental and regulatory actions being undertaken to facilitate the Micron Project. I am also aware that to effectuate the Micron Project, public agencies like the Town of Clay and the Onondaga County Industrial Development Agency have made efforts to regulate, permit, and prepare for this construction, including undertaking infrastructural construction of their own.

5. My wife and I reside at 8611 Caughdenoy Road, Clay, New York, 13041 (Tax Map No. 312489046.-01-03.1) (hereinafter "my residence" or "the property"). I purchased the home in 1989 and own it outright. I have lived here continuously since then and we are registered to vote at this address. Our home is on the public water system.

6. My residence is located approximately 100 feet west of the proposed Micron Project, directly across Caughdenoy Road. It is also located approximately 1000 feet south of the location of the rail spur construction site intended to service the Micron Project.

7. The Micron Project will affect transportation on the primary streets I use for access to my residence, including ingress and egress from our property. Caughdenoy Road, off of which we live, is a two-lane road that has already suffered from traffic back-ups related to construction on Route 31, with which it intersects to the immediate south of the property. Dump trucks and other construction-related vehicles are already using Caughdenoy Road to transport supplies to the Micron campus. On some occasions, illustratively during construction to install high-pressure pipes for the wastewater pumping station, it has taken us as long as a half-hour to find enough space in traffic to pull into our driveway from Caughdenoy. As construction related to the Micron Project intensifies, traffic impacts on Caughdenoy Road directly in front of our residence will only

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grow more severe. Prior to the commencement of this construction, these traffic problems did not exist.

8. Moreover, the Micron Project will radically change the aesthetic viewshed from our property. Currently, from our front windows, we enjoy a view of a flat, open grassland and wetland. From our other windows, we enjoy a view of our neighbors and the quiet forest in which we live. The idyllic views from the front of our property will be transformed into an industrial setting, drastically altering the character of the surrounding landscape and diminishing our enjoyment of the environment around our home. On the other sides of our property, rail traffic and construction of the rail spur will similarly transform our natural and peaceful environment into a landscape dominated by industrial activity.

9. The Micron Project will introduce sustained noise and industrial activity at my residence as construction begins in immediate proximity to and on multiple sides of my home. Rail lines that will be serviced by the in-progress rail spur cross through the forest behind us. We anticipate increased noise from more traffic on these rail lines to our west, construction and operation noise from the rail spur to our north, construction and operation noise from the Micron Project itself just across Caughdenoy to our east, and increased traffic noises at the intersection of Route 31 with Caughdenoy to our immediate south. Increased, sustained noise and industrial activity on every side of our property will limit our enjoyment of the property and may disturb animals like songbirds and other wildlife that live on the property.

10. The Micron Project will also drastically increase the flow of water through our property. An easement on my land allows a portion of the Micron Project site to drain runoff and excess water via a ditch dug to the south and western portions of my property. By permanently destroying hundreds of acres of wetlands that function as a natural baffle, drain, and reservoir, the

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Micron Project will dramatically escalate the pressure on the easement running through our property to provide down-gradient drainage to the site. Already, our water table is high, and we rely on a French drain to prevent damage to our walls and foundation. The wastewater generated by the Micron Project may also contaminate groundwater with harmful chemical waste. Any chemicals used at the site – whether used in construction or operation of the facility – will wash through our property because of this drainage easement, exposing us to toxic chemicals. Our current drainage infrastructure is at capacity and cannot withstand an increased load, nor is it designed to safely neutralize or dispose of toxic chemicals. The combined effects of potential contamination and increased runoff may also negatively impact native habitat and gardens I cultivate on my property, posing a direct risk to the safety and integrity of my home.

11. In addition, the Micron Project will impact the visibility of wildlife from my residence. I frequently observe and enjoy seeing a variety of wildlife, including mammals such as deer, foxes, raccoons, coyotes, minks, woodchucks/groundhogs, possums, skunks, moles, voles, and bats; birds such as wild turkeys, hawks, osprey, owls, herons, ducks, orioles, cardinals, and blue jays; insects like butterflies, moths, fireflies, and dragonflies; and herptiles such as leopard frogs, peepers, tree frogs, toads, and snakes. The construction of the Micron Project will eliminate and fragment nearby habitat for this wildlife, reducing the presence and visibility of wildlife we have enjoyed for so many years.

12. While the Final Environmental Impact Statement discusses the potential construction of new habitat for certain wildlife species present in the project area, I remain concerned about habitat fragmentation and suitability. Critically, these proposed mitigations will relocate hundreds of acres of wildlife habitat from our neighborhood into other, dispersed areas of New York, resulting in habitat loss and impacting my ability to enjoy this wildlife at my residence.

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13. I am also concerned about potential degradation of air quality from construction and industrial operations. Heavy construction equipment, increased truck traffic, and ongoing industrial activity will introduce additional emissions, dust, and pollutants into an area that has historically had clean air. Clean air is an important reason we have remained in this neighborhood and any decline in air quality would directly affect our comfort, well-being, and enjoyment of our home.

14. The Micron Project will fundamentally change the place where I live. The proximity of large-scale industrial development, increased traffic and access problems, heightened flooding and drainage concerns, loss of wetlands and wildlife habitat, noise, air quality concerns, and disruption to my home and garden all affect my daily life and well-being. The permanent alteration of this area affects my ability to use and enjoy my property as well as the character of the community I have lived in for many years.

15. I affirm this 15 day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

John T. Pletl

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President, Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

AFFIRMATION OF BONITA H. SIEGEL

Index No.:

I, Bonita H. Siegel, hereby affirm the following under penalty of perjury pursuant to CPLR Rule 2106:

1. I am over the age of 18 and a resident of the Town of Clay, New York. The statements set forth herein are based on my personal knowledge, except where stated to be upon information and belief, and as to those matters I believe them to be true.

2. I submit this Affirmation in support of the Article 78 proceeding captioned above. I am the President of Neighbors for a Better Micron (the "Association") and bring this challenge to the Micron Project's SEQRA review and initial permits on behalf of the Association.

3. The Association's membership is made up of residents of Onondaga County concerned about the impacts of the Micron Project and the environmental review. The

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Association's purpose is to ensure the Micron Project has a positive impact on its future community.

4. Also filed in support of the Petition are the affirmations of Christine Herrmann, Timothy Aloysius Roulan, Peter Dunn Jr., Elizabeth Tallman, and John Pletl. Each of this individuals are members of the Association.

5. The Association's membership, including several of the individuals submitting affirmations, participated in the public comment periods on the Micron Project's SEQRA review.

6. The Micron Project will affect members of the Association in numerous ways, including by transforming bucolic, rural farmland viewsheds into industrial and commercial landscapes; affecting the flow of water by destroying hundreds of acres of wetlands without adequate replacements; exposing community members to toxic chemicals, wastewater, and air pollution; causing traffic far beyond that which our roadways were designed to handle and affecting ingress and egress from our homes; destroying and/or relocating wildlife habitat and thusly limiting our ability to enjoy wildlife from our homes and on our properties; and invading our homes with commercial and industrial noise and activity related to the Micron Project's construction and operation.

7. The Association is concerned that the environmental review of the Micron Project was unnecessarily rushed resulting in certain potential impacts being overlooked. The Association is also concerned that the economic benefits of the Micron Project lack enforceable agreements from Micron and may be overstated in comparison to the substantial environmental impacts.

8. The Micron Project may also affect my personal residence. I reside at 4959 Greenberry Drive, Clay, New York 13041 (Tax Map No. 312489074.-19-15.0) (hereinafter "my

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residence" or "the property"). I own the property and I have resided there continuously since purchasing it in 2016. I am registered to vote at this address.

9. My residence is located approximately 1.25 miles to the southeast of the Micron Project's main campus. Between my residence and the Micron Project, which begins at the intersection of Route 31 and Caughdenoy Road, there is an open undeveloped field and wetland, as well as one other housing development. Apart from my neighborhood of approximately 20 homes, the area is surrounded by undeveloped field.

10. The Micron Project will affect transportation on the primary streets I use for access to my residence. Maple Road, the sole roadway providing access to my neighborhood, could become periodically unsuitable for local traffic as a result of delays. Maple Road intersects Caughdenoy Road directly to the south of my neighborhood, and as Caughdenoy may become a major thoroughfare for construction vehicles, it could get clogged during active construction. Maple Road also intersects with the Micron Project's other primary roadway, Route 31, via Grange Road to the north of my neighborhood. Accordingly, due to construction-related traffic on Route 31, the northerly route to my neighborhood could also become periodically unsuitable for local traffic as a result of delays. Additionally, rail lines that will connect directly to the rail spur planned to service the Micron Project run directly through Maple Road, and increased rail traffic will further exaggerate these traffic problems. Significant delays related to traffic in accessing my neighborhood would create a serious risk in case of emergency, particularly for retirees and seniors in my neighborhood, including myself. The Micron Project will create increased traffic problems for me.

11. I am also concerned about potential degradation of air quality from construction and industrial operations, particularly given the limited monitoring proposed in the Micron

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Project's Final Environmental Impact Statement. Heavy construction equipment, increased truck traffic, and ongoing industrial activity will introduce additional emissions, dust, and pollutants into an area that has historically had clean air. Clean air is an important reason I have remained in this neighborhood and any decline in air quality would directly affect my comfort, well-being, and enjoyment of my home.

12. The Micron Project will permanently destroy hundreds of acres of surrounding wetlands that directly affect water drainage and the water table level in my neighborhood. Wetlands located at the Micron Project site currently provide natural drainage for my neighborhood. The loss of these wetlands will increase stormwater runoff and worsen flooding. My property is the lowest in my neighborhood and I rely on a sump pump and French drains to protect my home and keep it dry, but increased runoff or a raised water table could overwhelm my systems. I live immediately beside a drainage and retention pond. Without wetlands to provide a natural baffle, reservoir, and drainage system, the Micron Project could cause overflow of the drainage and retention pond.

13. The wastewater generated by the Micron Project may also contaminate groundwater with harmful chemical waste, destroying native habitat in my area and threatening my safety at home.

14. The Micron Project will also impact the visibility of wildlife from my residence. I observe and enjoy seeing mammals like voles, moles, and rabbits; birds like great blue herons, red-winged blackbirds, ducks, geese, and songbirds; and other wildlife from my property. Once a Black bear traversed my neighborhood, too. The construction of the Micron Project will eliminate and fragment nearby habitat for this wildlife, reducing the presence and visibility of wildlife I have coexisted with happily for many years.

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15. While the Final Environmental Impact Statement discusses the potential construction of new habitat for certain wildlife species present in the project area, I remain concerned about habitat fragmentation and suitability. Critically, these proposed mitigations will relocate hundreds of acres of wildlife habitat from our neighborhood into other, dispersed areas of New York, resulting in habitat loss and impacting my ability to enjoy this wildlife at my residence.

16. On December 23, 2025, during the comment period of the Draft New York State Pollutant Discharge Elimination System ("SPDES") Permit NY #0030317 for the Oak Orchard Wastewater Treatment Plant, I submitted a letter regarding these concerns, including concerns about the use of forever chemicals in the Micron Project, pollution in bodies of water, the sufficiency of proposed monitoring, and the absence of complete information about chemical risks posed by the Micron Project. A true and complete copy of this comment letter is attached as Exhibit 1.

17. Also on December 23, 2025, I attended a public meeting held by the Department of Environmental Conversation regarding water usage related to the SPDES permitting process.

18. On December 29, 2025, I also submitted a letter to the Onondaga County Legislature addressing the approval of funding for the Oak Orchard Wastewater Treatment Plant Expansion, in which I again raised the concerns as I had raised during the SPDES comment period, including concerns about air and water pollution, hazardous waste removal, sufficiency of proposed monitoring, and transparency. A true and complete copy of this letter is attached as Exhibit 2.

19. Also on December 29, 2025, I attended a special session held by the Onondaga County Legislature regarding the Oak Orchard Wastewater Treatment Plant.

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20. The Micron Project will fundamentally change the place where I live. The proximity of large-scale industrial development, increased traffic and access problems, heightened flooding and drainage concerns, loss of wetlands and wildlife habitat, noise, air quality concerns, and disruption to my home and property all affect my daily life and well-being. The permanent alteration of this area affects my ability to use and enjoy my property as well as the character of the community I have lived in for many years.

I affirm this 15th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Bonita H. Siegel

Bonita H. Siegel, President
Neighbors for a Better Micron

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Comments regarding the Draft New York State Pollutant Discharge Elimination System (SPDES) Permit NY#0030317 for the Oak Orchard Wastewater Treatment Plant:

I am particularly concerned about the monitoring, treatment, and prevention of PFAS chemical discharges that could end up contaminating our environment and waterways when Micron comes to this region. The Environmental Protection Agency (EPA) has stated PFAS are an urgent public health and environmental issue across the United States. PFAS are known as "forever chemicals" because they are so resistant to breakdown! They are very mobile in the environment, being found in drinking water and common food sources. Concerns regarding levels of pollutants in fish found in various bodies of water in our state, including Onondaga Lake, has been issued by NYSDEC. If PFAS utilized by Micron accumulate in our environment and downstream water supplies, like Lake Ontario, are we being smart by welcoming this massive development into our region?

Micron has been unwilling to share the specific PFAS chemicals they will be using, claiming proprietary information. Is their right to proprietary information more important than our right to clean water, safe air and uncontaminated food sources?? In 2024, the EPA finalized enforceable Safe Water Drinking Act (SWDA) maximum contaminant levels (MCLs) for PFOA and PFOS at 4 ppt. Health risks have been found to exist at even lower levels! Hazard indices have been made to other specific chemicals. However, the reality exists that there are thousands of possible PFAS chemicals that can be made and utilized. Standards do not exist for all of these and, further, the Trump administration's EPA is currently working to eliminate the drinking water standards for most PFAS. Who, then, will protect us in Central New York from dangerous environmental contaminants that we allow into our region if we choose blind ignorance? Our only hope lies in strong local and state advocacy to do what is right and demand high standards that protect us and ensure the success of such a phenomenal investment in our community.

I urge the Onondaga County Department of Water Environment Protection (OCDWEP) and the New York State Department of Environmental Conservation (NYSDEC) to secure much better protection standards as part of this permit for upgrading the Oak Orchard Treatment Plant. I am aligned with the recommendations from the Center for Public Environmental Oversight (CPEO) and I hope you will take their recommendations forward with serious revisions to this permit.

Thanks for your kind attention to this important matter.

Sincerely,
Bonita H. Siegel, BS, MS, MD
4959 Greenberry Dr
Clay, NY 13041

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EXHIBIT 2

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December 29, 2025

Onondaga County Legislature
401 Montgomery Street, Room 407
Syracuse, NY 13202

Re: Approval of funding for the Oak Orchard Wastewater Treatment Plant Expansion

Dear OC Legislature,

As a native of Onondaga County and a 10-year resident of Clay, NY, I am very concerned about the approval of funding for the Oak Orchard WWTP Expansion when the amount requested is so large and without publicly-justified proposed costs accounted for. Where is the breakdown on what specific aspects of this important upgrade are to cost? I cannot find public documents regarding this and neither have other concerned parties been able to locate these.

The expansion is recommended as very important in light of the anticipated demands related to Micron building 4 massive fabs for semiconductor manufacturing just about 1.5 miles from where my current home in Clay is located. Recently, NYSDEC permits related to air and water safety have been put before the public in hearings with many details that raise concerns for me as a resident of Onondaga County/Central New York. What environmental issues will come with Micron that we may not be fully prepared for and could accrue to ultimate harm to us and our neighbors?

Extremely large tax breaks have been promised to Micron to entice them to build this manufacturing here with the hopes that it will stimulate growth and bring economic benefits to this region, New York State and even to the country at large. There is a lot at stake for everybody it seems. The economic benefits need to be fairly distributed across the county and we should work to ensure this. Will the potential adverse consequences, also, be shared? What will the real environmental impacts of large scale use of PFAS be on our community and our neighbors? What plans are in place for the safe transport and use of many toxic and hazardous substances used in these manufacturing processes? Will there be levels of pollutants newly introduced to our environment because we don't possess the current technology, or even knowledge, to properly limit or control the release of these substances into our environment?

While the NYSDEC is attempting to address the environmental concerns through their permitting processes, there still seem to be too many unknowns to be really certain these plans are adequate. I have reviewed the wastewater permit draft and submitted comments to the DEC regarding it. I am not reassured through this process, yet, that we, the people of Onondaga County/Central New York, are fully engaged or informed of the potential harms coming with the great promise of Micron. We need to be fully engaged and informed! Micron's claim that the chemicals used in their processes are proprietary and, therefore, cannot be shared with us simply cannot be accepted as "ok".

My personal background includes education as a Chemical Engineer with a BS, cum laude, degree issued by Syracuse University in 1979. I worked as a Process Engineer for 3 years at the GE Solid State Applications Operation, Electronics Parkway, 1980-82. We built Charge Injection Device Imagers, prototypes of today's cameras on a chip. I know a little something about making semiconductors in a clean room and the kinds of processes required. I considered continuing in the field of semiconductor manufacturing while pursuing a master's degree in Materials Science at SU but, ultimately, opted to become a neurologist and spent time practicing neurology, out of the area, for my primary career. Basically, my education and experience equips me to understand the risks and benefits of this major undertaking that

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happens when we partner with an Industry leader like Micron. We need to be welcoming but really smart and cautious.

In Onondaga County we are really smart and not willing to be taken advantage of, aren't we? We are blessed with great educational institutions, strong community leaders, an ability to get things done in a bipartisan fashion and hard-working people that pull together for the good of the entire community. Let's remember who we are and that we all strive together for the best that life has to offer. ***Transparency*** is the only way forward. Do not ignore the unknowns but ***embrace*** them! What we don't know we can learn and avoid another massive Onondaga Lake debacle in our backyard or at our front door! We must do this together and for each other. ***Share*** the proposed cost breakdowns now. ***Educate*** the community on the serious potential hazards that could come with these fabs. ***Show*** how we plan to meet hazardous materials release, increased housing needs, removing "forever chemicals" from contaminating our waterways and soil, increased demand for local services, workforce development needs, traffic concerns, noise pollution, flooding concerns, etc.

Your vote to approve issuing funding for a plan that has not been fully vetted by the public at this point in time, in my opinion, will not represent the governmental transparency such an important undertaking as partnering with Micron requires. I appreciate your consideration of these comments.

Sincerely,

Bonita H. Siegel, BS, MS, MD
Clay, NY 13041

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

AFFIRMATION OF ELIZABETH TALLMAN

Index No.:

I, Elizabeth Tallman, hereby affirm the following under penalty of perjury pursuant to CPLR Rule 2106:

1. I am over the age of 18 and a resident of the Town of Cicero, New York. The statements set forth herein are based on my personal knowledge, except where stated to be upon information and belief, and as to those matters I believe them to be true.

2. I submit this Affirmation in support of the Article 78 proceeding captioned above.

3. I am a member of Neighbors for a Better Micron (the "Association"), one of the Petitioners in this proceeding. As a member, I support the Association's goal of encouraging Micron to have a positive impact on its future community and the Association's challenge to the Micron Project SEQRA review.

4. I am aware of the Semiconductor Manufacturing Project proposed by Micron New York Semiconductor Manufacturing LLC in the Town of Clay, New York (the "Micron

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Project"), as well as the extensive permitting, infrastructure construction, and other governmental and regulatory actions being undertaken to facilitate the Micron Project. I am also aware that to effectuate the Micron Project, public agencies like the Town of Clay and the Onondaga County Industrial Development Agency have made efforts to regulate, permit, and prepare for this construction, including undertaking infrastructural construction of their own.

5. I reside at 4962 Greenberry Drive, Clay New York 13041 (Tax Map No. 312489074.-19-10.0) (hereinafter "my residence" or "the property"). I own the property with my wife, Leigh Swanker. We have lived here continuously since purchasing the property in 2018, and we intend to remain in this home indefinitely. I am registered to vote at this address.

6. My residence is located approximately 1.23 miles to the southwest of the Micron Project's main campus. Between my residence and the Micron Project, which begins at the intersection of Route 31 and Caughdenoy Road, there is an open undeveloped field and wetland, as well as one other housing development. Apart from my neighborhood of 20 homes, the area is surrounded by undeveloped field and wetland.

7. The Micron Project will affect transportation on the primary streets I use for access to my residence. Maple Road, the sole roadway providing access to my neighborhood, is regularly and increasingly inaccessible due to traffic. Maple Road intersects Caughdenoy Road directly to the south of my neighborhood, and as Caughdenoy Road is a major thoroughfare for dump trucks and other construction vehicles, it gets clogged to the point of inaccessibility during active construction. Maple Road also intersects with the Micron Project's other primary roadway, Route 31, via Grange Road to the north of my neighborhood; due to construction-related traffic on Route 31, the northerly route to my neighborhood can also be inaccessible from time to time. Additionally, rail lines that will connect directly to the rail spur planned to service the Micron

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Project run directly through Maple Road, and increased rail traffic will further exaggerate these traffic problems and potentially bar access to my neighborhood frequently.

8. I am also concerned about potential degradation of air quality from construction and industrial operations. Heavy construction equipment, increased truck traffic, and ongoing industrial activity will introduce additional emissions, dust, and pollutants into an area that has historically had clean air. Clean air is an important reason I have remained in this neighborhood and any decline in air quality would directly affect our comfort, well-being, and enjoyment of my home.

9. The Micron Project will permanently destroy hundreds of acres of surrounding wetlands that directly affect water drainage and the water table level in my neighborhood. Wetlands located at the Micron Project site currently provide natural drainage for my neighborhood. The loss of these wetlands will increase storm runoff and worsen flooding. My property directly abuts open field and wetland that extends to the intersection of Route 31 and Caughdenoy Road, where the Micron Project will be constructed. A drainage swale occupies an easement on approximately 30 feet of my yard. Without wetlands to provide a natural baffle, reservoir, and drainage system, the Micron Project could cause overflow of the drainage swale. In a rainstorm last year, water held back by the swale rose by six feet. Any increase in that volume would mean immediate flooding of my home.

10. The wastewater generated by the Micron Project may also contaminate groundwater with harmful chemical waste, destroying native habitat in my area and threatening my safety at home. My home is on a public water supply system that draws from the greater Oneida River watershed. The Micron Project includes industrial wastewater discharges including PFAS.

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Exposure to chemicals from the Micron Project in public water could directly impact the safety of my water supply and my health.

11. The Micron Project will also impact the visibility of wildlife from my residence. I frequently observe and enjoy seeing mammals including deer, coyotes, muskrats, voles, minks, rabbits, foxes, Black bears, woodchucks/gophers, and skunks; birds including eagles, hawks, turkey vultures, blackbirds, orioles, goldfinches, ducks, geese, great blue herons, cardinals, blue birds, wrens, finches, sparrows, grackles, swallows, and turkeys; and herptiles including snapping turtles, snakes, frogs, and toads. The construction of the Micron Project will eliminate and fragment nearby habitat for this wildlife, reducing the presence and visibility of wildlife I have enjoyed for many years.

12. While the Final Environmental Impact Statement discusses the potential construction of new habitat for certain wildlife species present in the project area, I remain concerned about habitat fragmentation and suitability. Critically, these proposed mitigations will relocate hundreds of acres of wildlife habitat from our neighborhood into other, dispersed areas of New York, resulting in habitat loss and impacting my ability to enjoy this wildlife at my residence.

13. Over the last two years, my wife Leigh Swanker has written several letters and comments on our behalf conveying these concerns to government agencies tasked with regulating the Micron Project and its affiliated infrastructural projects. Leigh and I have also attended 5 public meetings, several of which were sponsored by the Onondaga County Industrial Development Agency, and including one at the North Syracuse Junior High School and several at the Clay Town Hall. Most recently, we attended a meeting regarding the wastewater treatment plant held on December 29, 2025.

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14. The Micron Project will fundamentally change the place where I live. The proximity of large-scale industrial development, increased traffic and access problems, heightened flooding and drainage concerns, loss of wetlands and wildlife habitat, noise, air quality concerns, and disruption to my home and property all affect my daily life and well-being. The permanent alteration of this area affects my ability to use and enjoy my property as well as the character of the community I have lived in for many years.

15. I affirm this 15th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Elizabeth Tallman

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STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President Bonita H. Siegel; and JOBS TO MOVE AMERICA;

Petitioners,

—against—

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; TOWN OF CLAY PLANNING BOARD; BRIAN BENDER, in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York; MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC; and MICRON TECHNOLOGY, INC.;

Respondents.

AFFIRMATION OF TIMOTHY ALOYSIUS ROULAN

Index No.:

I, Timothy "Tim" A. Roulan, hereby affirm the following under penalty of perjury pursuant to CPLR Rule 2106:

1. I am over the age of 18 and a resident of the Town of Clay, State of New York. The statements set forth herein are based on my personal knowledge, except where stated to be upon information and belief, and as to those matters I believe them to be true.

2. I submit this Affirmation in support of the Article 78 proceeding captioned above.

3. I am a member of Neighbors for a Better Micron (the "Association"), one of the Petitioners in this proceeding. As a member, I support the Association's goal of encouraging Micron to have a positive impact on its future community and the Association's challenge to the Micron Project SEQRA review.

4. I am aware of the Semiconductor Manufacturing Project proposed by Micron New York Semiconductor Manufacturing LLC in the Town of Clay, New York (the "Micron Project),

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as well as the extensive permitting, infrastructure construction, and other governmental and regulatory actions being undertaken to facilitate the Micron Project. I am also aware that to effectuate the Micron Project, public agencies like the Town of Clay and the Onondaga County Industrial Development Agency have made efforts to regulate, permit, and prepare for this construction, including undertaking infrastructural construction of their own.

5. I reside at 4852 Verplank Road, Clay, New York, 13041 (Tax Map No. 312489047.-01-05.0) (hereinafter "the residence" or "my property"). My wife, Gracia L. Roulan, and I own the property and have resided here since purchasing it 8 years ago. Gracia is also a member of the Association. We intend to live here indefinitely and are registered to vote at this address.

6. My residence is located approximately half a mile west of the Micron Project's main campus and a quarter of a mile west from the National Grid Substation Expansion associated with the Micron Project. My residence is also around three-quarters of a mile northwest of the associated rail spur and 1.4 miles east from the associated wastewater treatment plant. My property is on a public water supply.

7. At my residence, I maintain an active farm and garden, raising chickens and growing food for myself, my family, and others. I grow native pollinator-friendly plants to provide habitat for the local bird and insect populations. I also maintain an apiary and keep bees. I belong to the Onondaga County Bee Association.

8. The Micron Project will affect transportation on the primary streets I use for access to my residence, including ingress and egress from our property. Verplank Road, which is classified as a "Major Collector" in the Traffic Impact Study included within the Micron Project's Final Environmental Impact Statement, has already experienced a significant increase in heavy traffic because of the Micron Project. Construction vehicles like trucks cause traffic jams and take

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frequent risks. Traffic has become increasingly dangerous, as large, industrial vehicles carting supplies for construction navigate a bend in the road immediately before the driveway to my property. As a result, it is difficult to leave my property because traffic headed towards the Micron Project cannot see my vehicle, creating a safety risk. Increased traffic has also meant increased pollution, and I have already begun regularly cleaning up litter, alcohol bottles, plastic, and other refuse thrown onto my property by passing traffic. Construction related to the Micron Project already required diversion of traffic from Route 31 down Verplank Road. The Micron Project and its construction will dramatically worsen my ability to safely enter and exit from my property.

9. The Micron Project will also change the aesthetic viewshed from my property. Other than a solar farm which abuts my property to the south, I am surrounded by a scenic, bucolic area comprised of farmland and fields. The solar farm is low and does not contain tall buildings, so it does not block my view of the surrounding landscape. The Micron Project will interrupt those views by replacing them with large, industrial buildings, ruining my ability to enjoy the environment in which I chose to live. The Micron Project is also encouraging other development projects in my neighborhood. My immediate neighbor, Ray Florczyk, sold his property to a developer that was interested in his land because of its proximity to the Micron Project. Developments like this will radically alter the character of the area where we live. The Micron Project will transform my rural surroundings into an industrial and commercial landscape near which I would not have chosen to live.

10. Moreover, the Micron Project will introduce sustained noise and industrial activity at my residence as construction begins in immediate proximity to my home. Rail lines that will be serviced by the in-progress rail spur cross just south of my residence. In addition to noise from more traffic on Verplank Road, and noise from the construction and operation of the Micron site,

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I also anticipate noise from increased rail traffic to the associated rail spur. Increased, sustained noise and industrial activity on every side of our property will limit our enjoyment of the property and may disturb animals like songbirds and other wildlife that live on the property.

11. The Micron Project will drastically affect the flow of water through our property as well. By permanently destroying hundreds of acres of wetlands that function as a natural baffle, drain, and reservoir, the Micron Project will dramatically escalate the pressure on my property. I constructed a swale on my land to assist with drainage, but increased water flow could overwhelm the swale. My garden includes plants like pine trees that are sensitive to changes in water levels, and I am concerned that alterations to the flow of water could negatively affect these plants.

12. The wastewater generated by the Micron Project may also contaminate groundwater with harmful chemical waste. Any chemicals used at the site – whether used in construction or operation of the facility – will wash through our property; in addition to increased water volume, runoff, and potential flooding, the Micron Project will also threaten exposure to toxic chemicals or wastewater. The combined effects of potential contamination and increased runoff may negatively impact native habitat, farm, and garden I cultivate on my property, also posing a direct risk to the safety and integrity of my home.

13. The Micron Project will also impact the visibility of wildlife from my residence. I frequently observe and enjoy seeing a variety of wildlife, including mammals such as deer, foxes, raccoons, coyotes, minks, fishers, woodchucks/groundhogs, possums, skunks, muskrat, beaver, chipmunks, voles, and bats; birds such as wild turkeys, sharp-shinned hawks, red-tailed hawks, bald eagles, barred owls, green and great blue herons, ducks, orioles, finches, pileated woodpeckers, red-bellied woodpeckers, wrens, sandhill cranes, osprey, cardinals, blue jays, migrating birds, and other birds; insects like butterflies, moths, fireflies, and dragonflies; and

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herptiles such as leopard frogs, peepers, tree frogs, toads, turtles, snapping turtles, salamanders, newts, and snakes. The construction of the Micron Project will eliminate and fragment nearby habitat for this wildlife, reducing the presence and visibility of wildlife we have enjoyed for many years.

14. While the Final Environmental Impact Statement discusses the potential construction of new habitat for certain wildlife species present in the project area, I remain concerned about habitat fragmentation and suitability. Critically, these proposed mitigations will relocate hundreds of acres of wildlife habitat from our neighborhood into other, dispersed areas of New York, resulting in habitat loss and impacting my ability to enjoy this wildlife at my residence.

15. I am also concerned about potential degradation of air quality from construction and industrial operations. Heavy construction equipment, increased truck traffic, and ongoing industrial activity will introduce additional emissions, dust, and pollutants into an area that has historically had clean air. Clean air is an important reason we have remained in this neighborhood and any decline in air quality would directly affect our comfort, well-being, and enjoyment of my home.

16. In late 2024 or early 2025, I attended two public hearings concerning the Micron Project and raised my concerns regarding the environmental and community impacts described above.

17. The Micron Project will fundamentally change the place where I live. The proximity of large-scale industrial development, increased traffic and access problems, heightened flooding and drainage concerns, loss of wetlands and wildlife habitat, noise, air quality concerns, and disruption to my home and garden all affect my daily life and well-being.

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The permanent alteration of this area affects my ability to use and enjoy my property as well as the character of the community I have lived in for many years.

18. I affirm this 15th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Timothy Aloysius Roulan

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REQUEST FOR JUDICIAL INTERVENTION

UCS-840
(rev. 12/16/2024)

Supreme COURT, COUNTY OF Albany

Index No: _____ Date Index Issued: _____

For Court Use Only:
IAS Entry Date
Judge Assigned
RJI Filed Date

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

NEIGHBORS FOR A BETTER MICRON, an unincorporated association, by and through its President, Bonita H. Siegel, JOBS TO MOVE AMERICA

Plaintiff(s)/Petitioner(s)

-against-

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TOWN OF CLAY PLANNING BOARD, BRIAN BENDER in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York, MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC, ...

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated.

COMMERCIAL

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
- ☐ Contract
- ☐ Insurance (where insurance company is a party, except arbitration)
- ☐ UCC (includes sales and negotiable instruments)
- ☐ Other Commercial *(specify)*: _____

NOTE: *For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the* ***COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)****.*

TORTS

- ☐ Asbestos
- ☐ Environmental *(specify)*: _____
- ☐ Medical, Dental or Podiatric Malpractice
- ☐ Motor Vehicle
- ☐ Products Liability *(specify)*: _____
- ☐ Other Negligence *(specify)*: _____
- ☐ Other Professional Malpractice *(specify)*: _____
- ☐ Other Tort *(specify)*: _____

SPECIAL PROCEEDINGS

- ☐ Child-Parent Security Act *(specify)*: ☐ Assisted Reproduction ☐ Surrogacy Agreement
- ☐ CPLR Article 75 - Arbitration [see ***NOTE*** in **COMMERCIAL** section]
- ☒ CPLR Article 78 - Proceeding against a Body or Officer
- ☐ Election Law
- ☐ Extreme Risk Protection Order
- ☐ MHL Article 9.60 - Kendra's Law
- ☐ MHL Article 10 - Sex Offender Confinement *(specify)*: ☐ Initial ☐ Review
- ☐ MHL Article 81 (Guardianship)
- ☐ Other Mental Hygiene *(specify)*: _____
- ☐ Other Special Proceeding *(specify)*: _____

MATRIMONIAL

- ☐ Contested

NOTE: *If there are children under the age of 18, complete and attach the* ***MATRIMONIAL RJI Addendum (UCS-840M)****.*

For Uncontested Matrimonial actions, use the Uncontested Divorce RJI ***(UD-13)****.*

REAL PROPERTY Specify how many properties the application includes: _____

- ☐ Condemnation
- ☐ Mortgage Foreclosure *(specify)*: ☐ Residential ☐ Commercial

Property Address: _____

NOTE: *For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the* ***FORECLOSURE RJI ADDENDUM (UCS-840F)****.*

- ☐ Partition

NOTE: *Complete and attach the* ***PARTITION RJI ADDENDUM (UCS-840P)****.*

- ☐ Tax Certiorari *(specify)*: Section: _____ Block: _____ Lot: _____
- ☐ Tax Foreclosure
- ☐ Other Real Property *(specify)*: _____

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see ***NOTE*** in **COMMERCIAL** section]
- ☐ Emergency Medical Treatment
- ☐ Habeas Corpus
- ☐ Local Court Appeal
- ☐ Mechanic's Lien
- ☐ Name Change/Sex Designation Change
- ☐ Pistol Permit Revocation Hearing
- ☐ Sale or Finance of Religious/Not-for-Profit Property
- ☐ Other *(specify)*: _____

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	☒	☐	If yes, date filed: 01/16/2026
Has a summons and complaint or summons with notice been served?	☐	☒	If yes, date served:
Is this action/proceeding being filed post-judgment?	☐	☒	If yes, judgment date:

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

☐ Infant's Compromise				
☐ Extreme Risk Protection Order Application				
☐ Note of Issue/Certificate of Readiness				
☐ Notice of Medical, Dental or Podiatric Malpractice	Date Issue Joined:			
☐ Notice of Motion	Relief Requested:		Return Date:	
☒ Notice of Petition	Relief Requested:	Article 78 (Body or Officer)	Return Date:	03/16/2026
☐ Order to Show Cause	Relief Requested:		Return Date:	
☐ Other Ex Parte Application	Relief Requested:			
☐ Partition Settlement Conference				
☐ Request for Preliminary Conference				
☐ Residential Mortgage Foreclosure Settlement Conference				
☐ Waiver of Court Costs, Fees and Expenses				
☐ Writ of Habeas Corpus				
☐ Other *(specify)*: _____				

This is a copy of a pleading filed electronically pursuant to New York State court rules (22 NYCRR §202.5-b(d)(3)(i)) which, at the time of its printout from the court system's electronic website, had not yet been reviewed and approved by the County Clerk. Because court rules (22 NYCRR §202.5[d]) authorize the County Clerk to reject filings for various reasons, readers should be aware that documents bearing this legend may not have been accepted for filing by the County Clerk.

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
☐	Name: NEIGHBORS FOR A BETTER MICRON, Role(s): Plaintiff/Petitioner	WILLIAM DEMAREST III, Rupp Pfalzgraf, LLC, 24 Aviation Road Suite 204, Albany, NY 12205, 5184324100, demarest@RuppPfalzgraf.com	☐ YES ☒ NO	
☐	Name: JOBS TO MOVE AMERICA Role(s): Plaintiff/Petitioner	WILLIAM DEMAREST III, Rupp Pfalzgraf, LLC, 24 Aviation Road Suite 204, Albany, NY 12205, 5184324100, demarest@RuppPfalzgraf.com	☐ YES ☒ NO	
☒	Name: ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY Role(s): Defendant/Respondent	335 Montgomery Street, Floor 2M, Syracuse, NY 13202, 315-435-3770, economicdevelopment@ongov.net	☐ YES ☒ NO	
☐	Name: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Role(s): Defendant/Respondent	Office of the New York State Attorney General, Empire State Plaza, Justice Building, Albany, NY 12224-0341, 800-771-7755	☐ YES ☒ NO	
☒	Name: TOWN OF CLAY PLANNING BOARD Role(s): Defendant/Respondent	4401 Route 31, Clay, NY 13041, 315-652-3800, townclerk@townofclayny.com	☐ YES ☒ NO	
☒	Name: BENDER, BRIAN Role(s): Defendant/Respondent	4401 Route 31, Clay , NY 13041, 315-652-3800, bbender@townofclayny.com	☐ YES ☒ NO	
☒	Name: MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC Role(s): Defendant/Respondent	80 State Street, Albany, NY 12207	☐ YES ☒ NO	
☒	Name: MICRON TECHNOLOGY, INC. Role(s): Defendant/Respondent	80 State Street, Albany, NY 12207	☐ YES ☒ NO	
☐	Name: Role(s):		☐ YES ☐ NO	
☐	Name: Role(s):		☐ YES ☐ NO	

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CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 01/16/2026

WILLIAM FRANCIS DEMAREST III
Signature

5369392
Attorney Registration Number

WILLIAM FRANCIS DEMAREST III
Print Name

This form was generated by NYSCEF

Caption Rider Sheet

Plaintiff(s)/Petitioner(s)

VS.

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TOWN OF CLAY PLANNING BOARD, BRIAN BENDER in His Official Capacity as Commissioner of Planning and Development for the Town of Clay, New York, MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC, MICRON TECHNOLOGY, INC.

Defendant(s)/Respondent(s)

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